

**PLANNING COMMISSION OF MONTEREY PARK
AGENDA**

**REGULAR MEETING
Monterey Park City Hall Council Chambers
320 West Newmark Avenue**

**Tuesday
March 13, 2018
7:00 PM**

MISSION STATEMENT

**The mission of the City of Monterey Park is to provide excellent services
to enhance the quality of life for our entire community.**

Documents related to an Agenda item are available to the public in the Community and Economic Development Department – Planning Division located at 320 West Newmark Avenue, Monterey Park, CA 91754, during normal business hours and the City's website at www.montereypark.ca.gov.

PUBLIC COMMENTS ON AGENDA ITEMS

You may speak up to 5 minutes on Agenda item. You may combine up to 2 minutes of time with another person's speaking. No person may speak more than a total of 10 minutes. The Board Chair and Board Members may change the amount of time allowed for speakers.

Per the Americans with Disabilities Act, if you need special assistance to participate in this meeting please call City Hall at (626) 307-1359 for reasonable accommodation at least 24 hours before a meeting. Council Chambers are wheelchair accessible.

CALL TO ORDER

Chairperson

FLAG SALUTE

Chairperson

ROLL CALL

Larry Sullivan, Delario Robinson, Theresa Amador, Ricky Choi, and Eric Brossy De Dios

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS

PUBLIC COMMUNICATIONS. While all comments are welcome, the Brown Act does not allow the Commission to take action on any item not on the agenda. The Commission may briefly respond to comments after Public Communications is closed. Persons may, in addition to any other matter within the Commission's subject-matter jurisdiction, comment on Agenda Items at this time. If you provide public comment on a specific Agenda item at this time, however, you cannot later provide comments at the time the Agenda Item is considered.

[1.] PRESENTATIONS - None

[2.] CONSENT CALENDAR - None

[3.] PUBLIC HEARING

3-A CONTINUED – CONDITIONAL USE PERMIT (CU-18-02) TO ALLOW FOR A HOSPITAL WITH AN ANCILLARY HELIPORT IN THE O-P (OFFICE PROFESSIONAL) ZONE – 1977 SATURN STREET

It is recommended that the Planning Commission:

- (1) Re-open the public hearing;
- (2) Receive documentary and testimonial evidence;
- (3) Close the public hearing;
- (4) Adopt the attached Resolution approving Conditional Use Permit (CU-18-02), subject to conditions contained therein; and
- (5) Take such additional, related, action that may be desirable.

California Environmental Quality Act (CEQA):

Pursuant to the California Environmental Quality Act CEQA guidelines, the project is Categorically Exempt under § 15301 as a Class 1 categorical exemption (Existing Facilities), because the project consists of operating and licensing of an existing establishment.

3-B CONDITIONAL USE PERMIT (CU-17-10) TO ALLOW FOR A WIRELESS TELECOMMUNICATION FACILITY (VERIZON) IN THE O-S (OPEN SPACE) ZONE – 1909 FULTON AVENUE

It is recommended that the Planning Commission:

- (1) Continue Conditional Use Permit (CUP-17-10) to a date uncertain; and
- (2) Take such additional, related, action that may be desirable.

3-C TENTATIVE MAP NO. 82024 (TM-18-02) TO ALLOW FOR THE SUBDIVISION OF AIR-RIGHTS TO ESTABLISH AND MAINTAIN A 3-UNIT RESIDENTIAL DEVELOPMENT IN THE R-3 (HIGH DENSITY RESIDENTIAL) ZONE – 217 NORTH NICHOLSON AVENUE

It is recommended that the Planning Commission:

- (1) Open the public hearing;
- (2) Receive documentary and testimonial evidence;
- (3) Close the public hearing;
- (4) Adopt the Resolution approving Tentative Map No. 82024 (TM-18-02) subject to conditions of approval; and
- (5) Take such additional, related, action that may be desirable.

California Environmental Quality Act (CEQA):

Pursuant to the California Environmental Quality Act (CEQA) guidelines, the project is Categorically Exempt under § 15315 as a Class 15 categorical exemption (Minor Land Divisions) in that the project consists of the subdivision of air-rights to establish and maintain a 3-unit residential condominium development.

3-D CONDITIONAL USE PERMIT (CU-17-14) TO ALLOW FOR A MESSAGE ESTABLISHMENT IN THE C-S, P-D (COMMERCIAL SERVICES, PLANNED DEVELOPMENT) ZONE – 109 NORTH SIERRA VISTA STREET

It is recommended that the Planning Commission:

- (1) Open the public hearing;
- (2) Receive documentary and testimonial evidence;
- (3) Close the public hearing;
- (4) Adopt the attached Resolution approving Conditional Use Permit (CU-18-02), subject to conditions contained therein; and
- (5) Take such additional, related, action that may be desirable.

California Environmental Quality Act (CEQA):

Pursuant to the California Environmental Quality Act CEQA Guidelines § 15301 (Class 1 – Existing Facilities), because the project consists of operating and licensing of an existing establishment.

[4.] OLD BUSINESS – None

[5.] NEW BUSINESS - None

[6.] COMMISSION COMMUNICATIONS AND MATTERS

[7.] STAFF COMMUNICATIONS AND MATTERS

ADJOURN

Next regular scheduled meeting on March 27, 2018.

APPROVED BY:

MICHAEL A. HUNTLEY	
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Planning Commission Staff Report

DATE: March 13, 2018

AGENDA ITEM NO: 3-A - SUPPLEMENTAL

TO: The Planning Commission
FROM: Michael A. Huntley, Community and Economic Development Director
SUBJECT: SUPPLEMENTAL – A Public Hearing to Consider a Conditional Use Permit (CU-18-02) to allow a hospital with an ancillary heliport – 1977 Saturn Street.

EXECUTIVE SUMMARY:

This is a supplemental staff report for Item 3-A. Based upon information found on Monday, March 12, 2018, the applicant is withdrawing its request for a heliport.

It does, however, wish to continue the public hearing for considering its request for a conditional use permit ("CUP") as to the hospital use.

BACKGROUND:

In 1985, the City Council adopted Ordinance No. 1627 (attached) which removed "airport and heliport" and "helipad" from the Monterey Park Municipal Code ("MPMC") as land uses that could be permitted pursuant to a conditional use permit ("CUP"). Regrettably, Ordinance No. 1627 neither deleted the definition of "heliport" from the MPMC nor did it add an outright prohibition on airports, heliports, or helipads.

In the 33 years since Ordinance No. 1627 was adopted, the MPMC underwent a number of amendments. The zoning regulations codified in Title 21 of the MPMC, however, continued to include the definition of "heliport."¹ Consequently, when One Legacy submitted its application, the Economic and Community Development department found that the MPMC could allow a "heliport" could be an ancillary use to a hospital.²

While planning staff conducted a review of the City's files regarding helipads and heliports, it was only after receiving information from a long-time informed resident of the City that staff was able to focus on the City Council's actions in 1985. At that point, the City Clerk's office was able to identify Ordinance No. 1627. After it reviewed this new information, One Legacy chose to drop its request for a heliport.

To help ensure that a similar situation does not occur in the future, it is recommended that the Planning Commission request that the City Council adopt an ordinance to clarify the MPMC as to airports, heliports, and helipads.

¹ MPMC § 21.04.463.

² MPMC § 21.02.090 authorizes the Director to make such determinations.

As to One Legacy's request, the revised recommendation for the Planning Commission is that it reopen the public hearing; note that One Legacy's application was amended to drop the request for a heliport; consider testimony as to the request for a CUP as to a hospital only; and take appropriate action. Upon making a decision, the Planning Commission would direct staff to return at a subsequent meeting with an appropriate resolution memorializing the Planning Commission's decision.

Respectfully submitted,



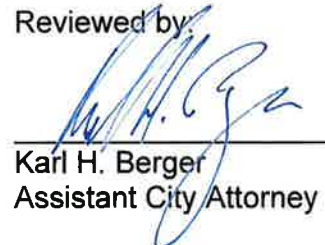
Michael A. Huntley
Community and Economic
Development Director

Prepared by:



Samantha Tewasart
Senior Planner

Reviewed by:



Karl H. Berger
Assistant City Attorney

Attachments:

- Attachment 1: Applicant Letter, dated March 13, 2018
- Attachment 2: Ordinance No. 1627

ATTACHMENT 1

Applicant Continuation Request Letter, dated March 1, 2018



saving lives through
organ, eye & tissue donation

March 13, 2018

Via

Michael A. Huntley
Director of Community and Economic Development
City of Monterey Park
320 West Newmark Avenue
Monterey Park, California 91754

Dear Mr. Huntley:

On Monday afternoon, March 12, 2018, you shared with us that the City Attorney of Monterey Park has determined that Ordinance No. 1627 adopted by the City of Monterey Park on February 11, 1985, remains applicable to current uses within the City of Monterey Park.

In reliance upon these statements, we will be withdrawing our application for a conditional use permit for the helipad we wanted to install at our facility.

OneLegacy would like to proceed with our application for a Conditional Use Permit for Hospital Use at tonight's, March 13, 2018 7PM Planning Commission Hearing.

Thank you for bringing this to our attention.

Very truly yours,

Prasad Garimella
COO, OneLegacy
CUP Applicant

Tom D. Mone
CEO OneLegacy
Owner

Co-Founders

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Chairman Emeritus
Rafael Mendez, MD
Secretary Emeritus

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Orange, CA 92868

Placentia

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Placentia, CA 92870
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1701 Orange Tree Lane
Redlands, CA 92374

Donor Referral Line

(800) 338-6112
Business Office
(800) 786-4077

www.OneLegacy.org



ATTACHMENT 2

Ordinance No. 1627

ORDINANCE NO. 1627

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF MONTEREY PARK, CALIFORNIA,
AMENDING SECTION 21.70.030 OF THE
MONTEREY PARK MUNICIPAL CODE TO DELETE
AIRPORTS, HELIPORTS AND HELIPADS AS USES
ALLOWED SUBJECT TO A CONDITIONAL USE PERMIT

THE CITY COUNCIL OF THE CITY OF MONTEREY PARK, CALIFORNIA,
DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council finds and determines that an amendment to Section 21.70.030 of the Municipal Code relating to airports, heliports and helipads has been processed in accordance with state law and city ordinances and regulations, and that said amendment is in the public interest and consistent with the general plan.

SECTION 2. Based on the evidence presented at the public hearing thereon and in the environmental assessment questionnaire, the City Council adopts the findings in said questionnaire and determines that the amendment will have no significant adverse effect on the environment and adopts and affirms the submitted negative declaration.

SECTION 3. Section 21.70.030 of the Monterey Park Municipal Code is hereby amended by deleting therefrom "airport and heliport" and "helipad" as uses allowed subject to a conditional use permit in all zones in which said uses are currently premitted.

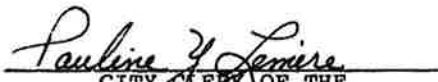
SECTION 4. The City Clerk shall certify to the passage and adoption of this ordinance and to its approval by the Mayor and shall cause the same to be published in the Monterey Park Progress, a newspaper of general circulation, published and circulated in the City of Monterey Park.

INTRODUCED this 28th day of January, 1985.

PASSED, APPROVED AND ADOPTED this 11th day of February, 1985.


MAYOR OF THE CITY OF
MONTEREY PARK, CALIFORNIA

ATTEST:


CITY CLERK OF THE
MONTEREY PARK, CALIFORNIA

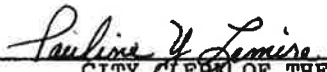
ORDINANCE NO. 1627
PAGE TWO

CITY OF MONTEREY PARK)
COUNTY OF LOS ANGELES) ss.
STATE OF CALIFORNIA -)

I, Pauline Y. Lemire, City Clerk of the City of Monterey Park, California, do hereby certify that the foregoing Ordinance No. 1627 was introduced at a regular meeting of the City Council of the City of Monterey Park, California, held on the 28th day of January, 1985, and that it was duly passed, approved and adopted at a regular meeting of said City Council held on the 11th day of February, 1985, by the following vote:

AYES: Chen, Briglio, Manibog, Peralta, Almada
NOES: None
ABSTAIN: None

Executed this 14th day of February, 1985, at Monterey Park, California.


CITY CLERK OF THE
CITY OF MONTEREY PARK,
CALIFORNIA

RJM 921-29



Planning Commission Staff Report

DATE: March 13, 2018

AGENDA ITEM NO: 3-A

TO: The Planning Commission
FROM: Michael A. Huntley, Community and Economic Development Director
SUBJECT: Continued – A Public Hearing to Consider a Conditional Use Permit (CU-18-02) to allow a hospital with an ancillary heliport – 1977 Saturn Street.

RECOMMENDATION:

It is recommended that the Planning Commission consider:

- (1) Re-opening the public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) After considering the evidence, adopting the draft Resolution approving the requested Conditional Use Permit (CUP-18-02), subject to conditions of approval; and
- (5) Taking such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):

The proposed project is categorically exempt from additional environmental review under the California Environmental Quality Act (CEQA) per CEQA Guidelines § 15301 (Class 1 – Existing Facilities) because the project consists of the operation, permitting, and licensing or minor alteration of existing public or private structures, facilities, and mechanical equipment. The project includes interior tenant improvement work and a new front entrance to meet accessibility requirements. The property is an existing 203,491 square feet two-story office building that was previously occupied by a financial institution for administrative purposes. The proposed use will be predominantly administrative office uses with some clinical operations. Approximately 150,000 square feet of the existing building will be utilized for administrative office purposes and the remaining 50,000 square feet of building area will be used for organ procurement. The use operations will include a heliport on the rooftop and new roof access. The roof access will be the same height as the existing two penthouses, which currently houses the building's mechanical equipment and existing roof access.

EXECUTIVE SUMMARY:

The Planning Commission opened the public hearing for this matter on February 27, 2018. At that time, the Commission accepted public testimony. Upon advice from the City Attorney's office, the Planning Commission continued the public hearing until March 13,

2018. This action was advisable to allow public review of the noise analysis which, while publicly available in the City Clerk's office, was not posted on the City's website.

Before continuing the item, the Planning Commission requested additional information. Specifically, the Commission sought information about sound impacts surrounding Site A; flight safety; proximity of helicopter flights to power lines and residences; heights; and photos of the adjacent properties considering the elevated areas around this property.

In response, staff caused additional information to be gathered for the Planning Commission which is included with this supplemental staff report.

BACKGROUND AND ANALYSIS:

A copy of the February 27, 2018 staff report is included for reference. Since that time, at the Planning Commission's direction, staff gathered additional information which is outlined below.

Public testimony from the February 27th meeting also prompted staff to provide some overview regarding the proceedings before the Planning Commission including a reminder regarding conflicts of interest, *ex parte* communications, and appeals rights for the applicant or any interested person.

➤ *Why is the Planning Commission acting on this application rather than the City Council?*

The Government Code provides that a "planning agency" exists in each city and county in California. For general law cities like Monterey Park, the city council acts as the planning agency unless it delegates such authority to a planning commission.¹

The basic functions of a planning agency include:

"[i]mplement[ing] the general plan through actions including, but not limited to, the administration of specific plans and zoning and subdivision ordinances" and to "[p]erform other functions as the legislative body provides...."²

While there is leeway to identify which functions a planning commission may exercise,³ if a city council creates a planning commission, that body is generally authorized to undertake all planning agency functions established by California law.

Monterey Park Municipal Code ("MPMC") § 2.56.010 created the Planning Commission and MPMC § 21.02.080 provides that the Planning Commission is the City's planning agency. Through the MPMC, the City Council delegated authority to the Planning

¹ Government Code § 65100.

² *Id.*

³ Government Code § 65100 (for example, a city council could retain planning agency functions for itself or create more than one planning commission).

Commission to “hear and act upon all matters as specified in [Title 21, Zoning] and any other responsibilities authorized by [the MPMC].”

For purposes of this application, therefore, the Planning Commission – pursuant to both California law and the MPMC – is the decision maker regarding whether to issue a conditional use permit (“CUP”). Note, however, that any person may appeal a final Planning Commission decision to the City Council pursuant to MPMC §§ 1.10.010, 21.32.110 and 21.32.140. Separately, the City Council can review a Planning Commission decision pursuant to MPMC § 1.10.060.

➤ ***Why is this project classified as a “Hospital”?***

An overview of OneLegacy’s application is provided in the February 27th staff report. The City Planner – which is the Director of Community and Economic Development – is authorized to “to interpret the use provisions applicable to each zone district identified in this title” (MPMC § 21.02.090).

Based upon the Director’s review of the OneLegacy application, the proposed project fits within the category of “hospital” for purposes of MPMC § 21.12.020 which regulates land uses within the Office Professional (“O-P”) zone. MPMC § 21.04.479 defines a hospital to mean

“an institution staffed and equipped to provide the various types of intensified hospital care, including, but not limited to, short-term care in acute medical, surgical and obstetrical services, but shall not include the treatment, other than on an emergency temporary basis, of alcoholic or mental patients or drug addicts.”

Table 21.12(A) (attached) provides that “hospitals” must obtain a CUP.

➤ ***Conditional Use Permits***

Consideration of a CUP is governed by MPMC § 21.32.020. A copy of that section is attached for reference. When the Planning Commission considers a CUP, it engages in a process known as a “quasi-judicial” proceeding (see attachment from the Planning Commissioner’s Handbook published by the League of California Cities).

When acting in this role, the Planning Commission applies “law that already exists to determine specific rights based upon specific facts ascertained **from evidence adduced at a hearing**.” A quasi-judicial action triggers the procedural due process rights of the United States and California Constitutions. Under such circumstances, a party appearing before the legislative body is entitled to

- Notice of the proposed action;
- Reasons for the action;

- A copy of the evidence on which the action is based; and
- The right to respond “before a reasonably impartial, noninvolved reviewer.”

The last requirement is one of fundamental fairness. It is a long-standing rule that quasi-judicial bodies can only make decisions based upon the evidence before them; they “cannot act on their own information.” A legislative body acting upon its own information, without a party’s input, does not conduct a fair hearing.

Should a Planning Commission decision be appealed to the City Council, then the City Council would also act in a quasi-judicial role when considering the appeal.

➤ ***Ex Parte contacts***

Staff is aware of the significant public interest this project generated. Anecdotal information – received outside of the public hearing – suggests there are several opinions circulating on social media regarding this application. Should such social media posts, public comment at the City Council meeting on March 7th, or any other *ex parte* communication (see below) influence a Planning Commissioner’s decision, it must be disclosed.

There is nothing that prohibits a public official from conducting independent investigations regarding this (or any other) application. Information gathered outside of a public hearing is called “*ex parte*” communications. Such communications include the transmission, receipt or exchange of oral, written or graphic information relevant to the merits of an adjudicatory or quasi-judicial proceeding. *Ex parte* communications also include any other type of sensory communication that can convey visual or auditory information. For example, the visual inspection of the site of a proposed project can reveal a great deal of information about the site that may not otherwise be evident from the materials otherwise available to the parties and the public in the administrative record.

Information that is evidentiary and acquired through *ex parte* communications must be disclosed if that same information is not already set forth in the administrative record and available to the parties and the public. Information is evidentiary if it is considered by the decisionmaker for its bearing on the issues and his or her ultimate decision on matter. Casual, non-substantive communications that do not bear on the ultimate decision do not need to be disclosed. For example, a constituent approaching a planning commissioner and expressing support or opposition for a particular project does not raise due process concerns if the constituent’s expression is not accompanied by factual information that may influence the planning commissioner’s decision-making process.

➤ ***Conflicts of Interest***

There are two types of conflicts of interest: (1) the common law doctrine identified by the California Supreme Court; and (2) the Political Reform Act (as implemented by the Fair Political Practices Commission). The common law doctrine is fairly straightforward: a public officer is impliedly bound to exercise the powers conferred on the officer with

disinterested skill, zeal, and diligence and primarily for the benefit of the public.⁴ This common law doctrine was developed through court decisions and is generally secondary to the significant regulations adopted by the Legislature and the Fair Political Practices Commission⁵ ("FPPC"). These laws and regulations are part of the Political Reform Act ("PRA").

The PRA states that "[n]o public official at any level of state or local government shall make, participate in making or in any way attempt to use his [or her] official position to influence a governmental decision in which he [or she] knows or has reason to know he [or she] has a financial interest."

Note that serving on a nonprofit corporation's board of directors without compensation is not a conflict of interest.⁶ If, however, service on the nonprofit entity's board of directors results in \$500 or more in annual compensation, then an official *may* have a conflict of interest.⁷ Planning Commissioners are reminded that they must disclose any potential conflict of interest and, if that conflict is material, must recuse themselves from the decision-making process.

➤ ***What about those safety and noise concerns?***

At the Planning Commission's direction, staff required additional analysis regarding the potential noise impacts of helicopter flights and the proximity of power transmission lines. To reemphasize what was already explained in the February 27th report, the City conducted a peer review of all information submitted by the application. Michael Baker International, Inc. is retained by the City to review studies submitted by applicants. It reviewed and verified the study provided by the applicant's consultant.

- **Noise**

Noise level (or volume) is generally measured in decibels (dB) using the A-weighted sound pressure level (dBA). The A-weighted scale adjusts the actual sound pressure levels making them consistent with that of human hearing response, which is most sensitive to frequencies around 4,000 Hertz (about the highest note on a piano) and less sensitive to low frequencies (below 100 Hertz).

In addition to the instantaneous measurement of sound levels, the duration of sound is important since sounds that occur over a long period of time are more likely to be an annoyance or cause direct physical damage or environmental stress. One of the most frequently used noise metrics that considers both duration and sound pressure level is the noise equivalent level (Leq). The Leq is defined as a single A-weighted level (or dBA value) that is equivalent to the amount of energy in the actual fluctuating levels sampled over a period of time. Typically, Leq is measured over a 1-hour period.

⁴ *Noble v. City of Palo Alto* (1928) 89 Cal. App. 47, 51.

⁵ 2 Cal. Code of Regs. ("FPPC Regs.") §§ 18700, *et seq.*

⁶ See Government Code § 82005 (the definition of "business entity" for purposes of the PRA does not include nonprofit entities).

⁷ FPPC Regs. § 18700.1 (definition of "source of income").

Generally, a doubling of sound energy is equivalent to an increase of 3 dB. A sound that is 10 dB more than the ambient sound level would result in a negligible increase (less than 0.5 dB) in total ambient sound levels. Because of the nature of the human ear, a sound must be about 10 dB greater than the reference sound to be judged as twice as loud. In general, a 3 dB change in community noise levels is noticeable, while changes of 1 to 2 dB are generally not perceived. Quiet suburban areas typically have noise levels in the 40 to 50 dBA range, while those along arterial streets are in the 50 to 60+ dBA range. Normal conversational levels are in the 60 to 65 dBA range, and ambient noise levels greater than that can interrupt conversations.

Noise levels typically attenuate at a rate of 6 dB per doubling of distance from point sources such as industrial machinery. Noise from lightly traveled roads typically attenuates at a rate of about 4.5 dB per doubling of distance. Noise from heavily traveled roads typically attenuates at about 3 dB per doubling of distance.

The time period in which noise occurs is also important since noise that occurs at night tends to be more disturbing than that which occurs during the daytime. To evaluate community noise on a 24-hour basis, the day-night average sound level (Ldn) was developed. Ldn is the average of all A-weighted levels for a 24-hour period with a 10 dB upward adjustment added to those noise levels occurring between 10:00 PM and 7:00 AM to account for the general increased sensitivity of people to nighttime noise levels.

The community noise equivalent level (CNEL) is identical to the Ldn with one exception. The CNEL adds 5 dB to evening noise levels (7:00 PM to 10:00 PM). Thus, both the Ldn and CNEL noise measures represent a 24-hour average of A-weighted noise levels with Ldn providing a nighttime adjustment and CNEL providing both an evening and nighttime adjustment.

While residential zones are near the proposed project site, the project itself is zoned O-P, which is a commercial zone designation. MPMC § 9.53.040 allows a 65 dBA in commercial zones between 7 a.m. and 10 p.m.; a maximum of 55 dBA between 10 p.m. and 7 a.m. Further, MPMC § 9.53.050 allows increases of 5 dBA for less than 15 minutes. According to Tables 8 through 11 of the Noise Analysis, the change in noise level for this project at all the monitored sites, including Site A, will be less than 5 dBA.

As shown in Tables 5 through 7 of the Noise Study, helicopters differ in approach and departure speeds. Once a ground speed of zero is reached, the helicopter begins a vertical descent to the heliport, which typically takes approximately 10 seconds. Once on the landing site surface, the helicopter undergoes a standard 2- to 3-minute turbine cool-down period for shutting down engines and rotors. Following the cool down, the helicopter either shuts down or initiates its departure procedure. Overall, the main noise producing portion of the helicopter approach would take less than 3 minutes and would not occur directly over existing residential or commercial uses. A condition of approval has also been added to prohibit helicopter idling on the rooftop. Overall, the total flight time – and consequent increase in dBA – will be less than 15 minutes.

Based upon the Planning Commission's comments, the flight path for helicopters was slightly shifted to avoid flying over almost all the office buildings within the Saturn Park

area. At Sites 1 and B the helicopter's travel distance along the flight path was reduced. The level of helicopter-generated noise levels would also decrease based upon the relative increase in lateral offset and slant distances between the sites and helicopter. Tables 8 through 11 and Figures 15 through 18 of the Noise Study were each modified to reflect the newly-modeled predicted SEL Lmax and Lday and Lnight and resultant noise exposure change values at each respective Site. The isopleth contours for the Figures were changed to reflect SEL Lmax values.

- Transmission lines

Based upon comments from the Planning Commission meeting, staff reviewed the location of SCE transmission lines. The closest transmission line beneath the proposed helicopter flights would be over 1,000 feet horizontally. This is not considered a flight hazard.

Moreover, unoccupied towers, elevator shafts, stairwells, light standards, skylights, and similar architectural features are typical features of almost all commercial and office buildings. These also are not considered flight hazards. For the project site, there are two existing penthouse areas where the roof mounted mechanical equipments are stored as well as access to the roof. Additional site photos and a radius map are provided to show the distance of the proposed heliport to adjacent properties.

- Flight altitudes

In 2017, the City Council amended MPMC Chapter 9.06 which purports to regulate flight altitudes. The City Council very plainly understood at that time that MPMC Chapter 9.06 was not enforceable; it was amended for symbolic purposes (see, September 6, 2017 City Council meeting video⁸; see also, Official Meeting Minutes for Item 5-B, September 6, 2017 [attached]). The Federal Aviation Administration regulates all commercial aircraft; the City does not have the legal authority to enforce MPMC Chapter 9.06. Accordingly, that Chapter is not considered as part of the Planning Commission's analysis.

Respectfully submitted,


Michael A. Huntley
Community and Economic
Development Director

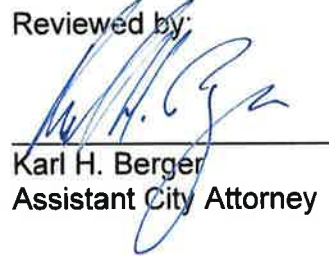
⁸ http://monterey-park.granicus.com/MediaPlayer.php?view_id=2&clip_id=720&meta_id=9148, Item 5-B, starting at 1:44:01.

Prepared by:



Samantha Tewasart
Senior Planner

Reviewed by:



Karl H. Berger
Assistant City Attorney

Attachments:

- 1 – Planning Commission Staff Report dated February 27, 2018
- 2 – Noise Analysis Technical Study (updated)
- 3 – Site and floor plans
- 4 – MPMC § 21.32.020 and Table 21.12(A)
- 5 – Planning Commissioner's Handbook excerpt
- 6 – Minutes from September 6, 2017 City Council meeting
- 7 – Pictures and site overviews
- 8 – Draft Resolution with Conditions of Approval

ATTACHMENT 1

Planning Commission Staff Report dated February 27, 2018



Planning Commission Staff Report

DATE: February 27, 2018

AGENDA ITEM NO: 3-B

TO: The Planning Commission
FROM: Michael A. Huntley, Community and Economic Development Director
SUBJECT: A Public Hearing to Consider a Conditional Use Permit (CU-18-02) to allow a hospital with an ancillary heliport – 1977 Saturn Street.

RECOMMENDATION:

It is recommended that the Planning Commission consider:

- (1) Opening the public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) Adopting the Resolution approving the requested Conditional Use Permit (CUP-18-02), subject to conditions of approval contained therein; and
- (5) Take such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):

The proposed project is categorically exempt from the provision of the California Environmental Quality Act (CEQA) per State CEQA guidelines CEQA Guidelines § 15301 (Class 1 – Existing Facilities), because the project consists of the operation and licensing of an existing structure. No physical changes are proposed to the site, except for interior tenant improvement work and a new front entrance to meet accessibility requirements. The subject property is an existing 203,491 square feet two-story office building that was previously occupied by financial institution for administrative purposes. The proposed use will be predominantly administrative office uses in nature with some clinical operations. Approximately 150,000 square feet of the existing building will be utilized for administrative office purposes and the remaining 50,000 square feet of building area will be used for organ procurement. No new square footage is proposed to the existing building or modifications to the existing parking area.

EXECUTIVE SUMMARY:

The applicant, Prasad Garimella, on behalf of OneLegacy, is requesting approval of a Conditional Use Permit to allow a hospital with an ancillary heliport at 1977 Saturn Street. The property is zoned O-P (Office Professional) and is designated C (Commercial) in the General Plan.

Staff is recommending approval of the Conditional Use Permit (CUP-18-02) subject to the conditions contained in the Resolution to address any concerns that are typically associated with a hospital and heliport use. The subject property is an existing two-story office building that was previously occupied by East West Bank for administrative purposes. The proposed use will be predominantly administrative office uses in nature with some clinical operations. No new square footage is proposed to the existing building or modifications to the existing parking area. The proposed work to the building will be mostly interior along with a new front entrance to comply with accessibility requirements. Potential concerns related to noise is addressed in the Noise Analysis Technical Study conducted for the proposed use as discussed below.

BACKGROUND:

Property Description

The subject property is located on the north side of Saturn Street within McCaslin Park, north of Potrero Grande Drive. The subject lot is 869,727 square feet (20 acres) in size and is currently developed with a 203,491 square foot, two-story office building constructed in 1979 with 785 at-grade parking spaces. Properties located to the north and east include a Southern California Edison (SCE) easement and R-1 (Single-Family Residential) zoned lots, west are R-1 zoned lots, and south are O-P (Office Professional) zoned lots and Potrero Grande Drive. The property is accessible from two driveways on Saturn Street. The number of existing parking spaces on the property will be more than adequate for the proposed use.

According to the General Plan, McCaslin Park, also known as Saturn Park, is a 72 acre business park that contains some of Monterey Park's newest industrial development. Established as a cohesive business park in the 1970s and 80s, this area accommodates a range of professional office, laboratory, light manufacturing, and warehousing uses. Some of the current business operators include Care 1st Health Plan, Union Bank Corporate Office, TMC Power Equipment, Ross Name Plates, and the Association of Los Angeles Deputy Sheriffs. The City intends for the Saturn Park to continue to provide diverse business and employment opportunities, with an emphasis on businesses that employ skilled workers.

Project Description

According to the floor plan, approximately 50,000 square feet of the gross building area will be utilized for administrative offices, education and training, and conference spaces; approximately 50,000 square feet will be utilized for clinical spaces; approximately 50,000 square feet will be utilized for 24/7/365 call center purposes, clinical operations, information technology and cafeteria purposes; and the remaining 50,000 square feet will be utilized for future expansion purposes, potentially to provide space for related companies and organizations dedicated to life-saving transplantation. According to the applicant, the intent of the proposed floor plan is to place the administrative staff at the northern portion of the building towards the residential area, while keeping the clinical use at the southern portion of the building further away from the residential area to the

north. The entrance of the building will be remodeled and updated for accessibility purposes.

According to the applicant, OneLegacy will be relocating their corporate office headquarters from West Los Angeles to Monterey Park. OneLegacy currently has 350 highly educated and skilled staff members. OneLegacy will bring to Monterey Park the world's largest Organ Procurement Organization, with an annual revenue of \$90+ million, that saves and heals more lives through donation and transplantation than any organization of its kind. OneLegacy will bring to City the most advanced medical and software technologies that have transformed the field of donation nationally and internationally. OneLegacy has been the inventor of and leading developer of an Electronic Donor Record and Web-Based organ offer system. OneLegacy also provides surgical training in graft implantation to local, regional, and national Ophthalmologic surgeons through training programs. OneLegacy also provides similar training to cardiac surgeons in the transplantation of heart valves to benefit cardiac patients from throughout the region.

Heliport

As part of OneLegacy's operations there will be the need for a heliport to allow for 50-60 helicopter flights to and from the facility per year, or roughly one flight per week. The flights are anticipated to occur mostly during the day time. Based on historical data of a similar use, it is anticipated that 90 percent of flights would occur during the daytime period (7 AM – 7 PM), 5 percent of flights would occur during the evening period (7 PM – 10 PM), and 5 percent of flights would occur during the nighttime period (10 PM – 7 AM). The heliport is proposed on the rooftop at the most southwestern corner of the building away from the residential uses to the north and west.

Helicopters, similar to those that are in use by other hospitals to transport emergency patients, will be used only when the medical urgency of the waiting transplant recipient requires the rapid transport of the surgical recovery teams to the OneLegacy Recovery center and returning with the life-saving organ to their transplant centers. The few flights that will be landing and taking off throughout the year will be largely due to "urgency rather than frequency." Hearts and lungs, which are only viable for a few hours after recovery, need to be transplanted into recipients immediately to avoid rejection and potential harm to the recipient at their local transplant centers located at USC, UCLA, and Cedars Sinai Medical Center. All such flight and helicopter types have been independently tested and verified to be below the City's noise ordinance thresholds. According to MPMC § 21.12.030, a hospital is subject to the approval of a conditional use permit.

Noise Analysis

A Noise Analysis was conducted by Heliplanners, Inc. on behalf of the applicant. The Analysis was peer reviewed by the City's environmental consultant, Michael Baker International. The Noise Analysis concludes that helicopter noise levels from approach/departure to/from the east would not exceed the City's exterior noise

standards and would be below the Federal Interagency Committee on Noise (FICON) – recommended 5.0 dB threshold for ambient noise less than 60 dB CNEL, the 3.0 dB threshold for ambient noise between 60 and 65 dB CNEL, and the 1.5 dB threshold for ambient noise greater than 65 dB CNEL. Also, helicopter noise levels from approach/departure to/from the west would not exceed the City's exterior noise standards and would be below the FICON-recommends 5.0 dB threshold for ambient noise less than 60 dB CNEL, the 3.0 dB threshold for ambient noise between 60 dB CNEL, and the 1.5 dB threshold for ambient noise greater than 65 dB CNEL.

According to the Analysis, the project site is located approximately 0.35 miles north of the State Route (SR) Pomona 60 Freeway. The pilots would be instructed to use the specified approach/departure paths as illustrated in Figure 3 in the Noise Analysis Technical Study, which would follow the SR 60 corridor and would not operate directly over the existing residential uses. The rooftop heliport would be approximately 45 feet above ground.

According to the Analysis, the major noise sources within the City include vehicle traffic, specifically SR 60 located to the south of the project site. As stated in the General Plan, air traffic into and out of the Los Angeles International Airport (LAX), located approximately 25 miles west of the City, follows an east-west route directly over the middle of the City. Similar flying centers near the project site include the Los Angeles County/USC Medical Center approximately 6 miles to the west, Cedars-Sinai Medical Center approximately 15 miles to the west, and the Ronald Regan UCLA Medical Center approximately 19 miles to the west.

The existing ambient noise environment near the project site was determined by conducting noise measurements near sensitive receptors that would potentially be impacted by the property project. Short-term (15-minutes) and long-term (24-hour) noise monitoring was conducted. These measures noise levels represent day-to-day noise from sources near the project site, including vehicular traffic along local streets.

General Plan Consistency

According to the General Plan, the Noise Element establishes goals and policies for the compatibility of land uses with various noise levels. These policies have been used to set and adopt noise compatibility criteria for various land uses within the City. The purpose of these criteria is to reduce the various potential effects of noise, including sleep disturbance, reduced physical and mental performance, annoyance, and interference with speech communication. According to the General Plan, Policy 7.2 restricts the establishment/use of helipads to those areas of the City where overflights of residential neighborhoods can be avoided, except where such operations are needed to support critical medical and emergency response facilities.

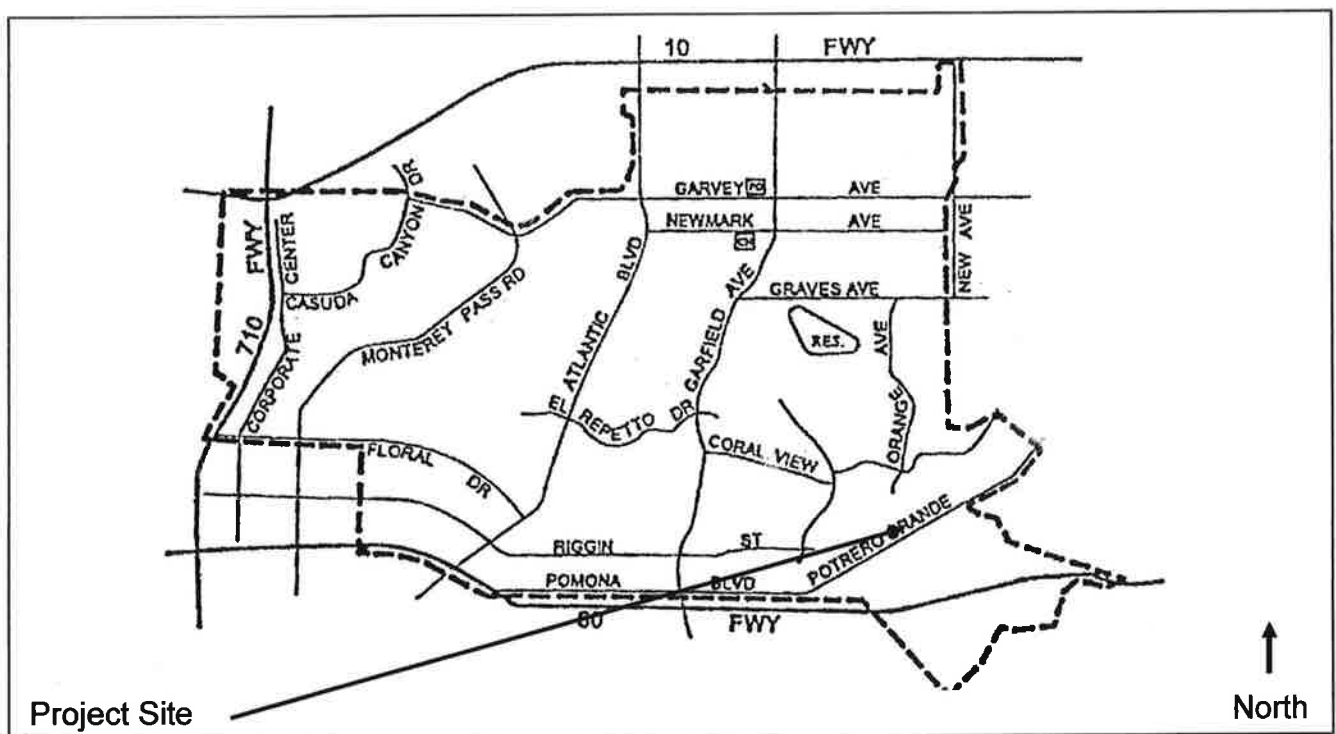
The City regulates noise through Chapter 9.53 of the Municipal Code, which has established noise standards for stationary noise levels at various categories of land uses. According to the Noise Analysis from the approach/departure from/to the east and west, the noise generated by the helicopter approach from the east and west would be

similar to existing conditions, especially considering the fact that noise from flights would occur for a relatively short period of time and would be infrequent. At no time would helicopter flights exceed the noise thresholds as identified in the General Plan and Municipal Code.

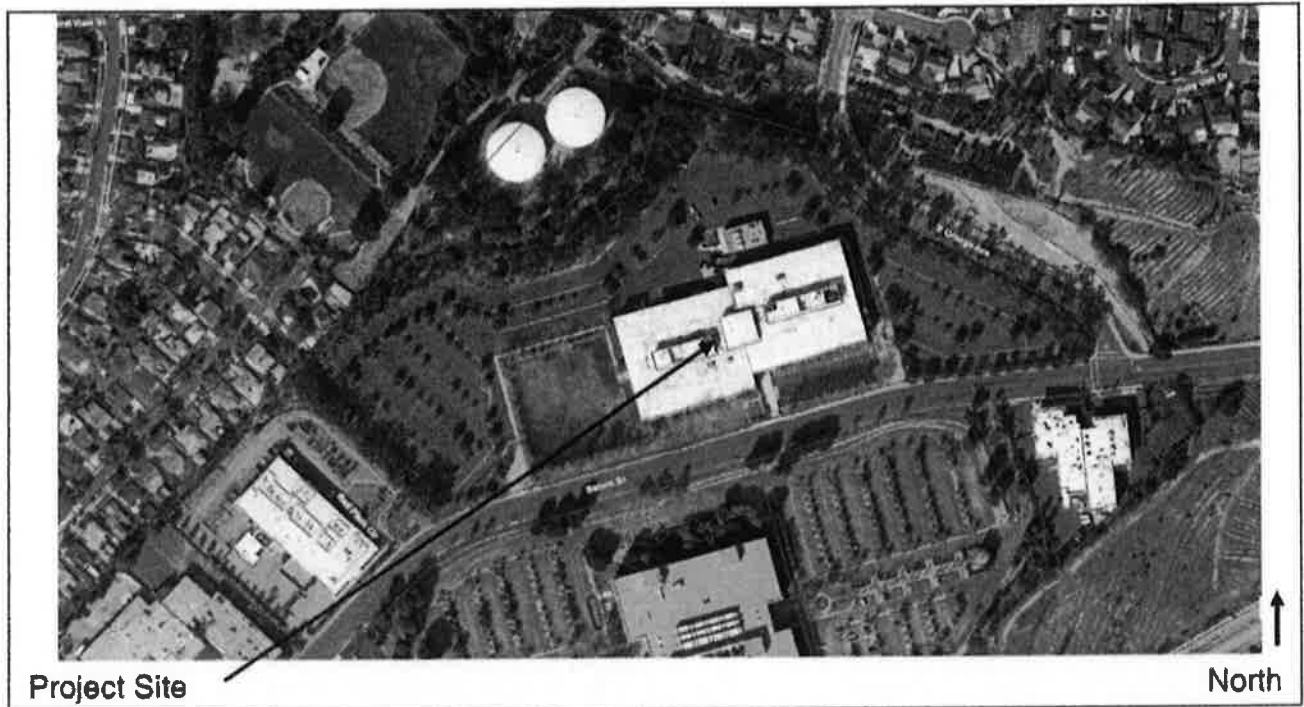
Legal Notification

The legal notice of this hearing was posted at City Hall, Monterey Park Bruggemeyer Library, and Langley Center on **February 2, 2018**, with affidavits of posting on file. The legal notice of this hearing was mailed to **79** property owners within a 300 feet radius and current tenants of the property concerned on **February 2, 2018**.

Vicinity Map



Aerial Map



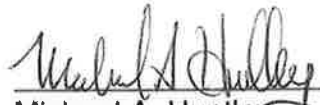
ALTERNATIVE COMMISSION CONSIDERATIONS:

None.

FISCAL IMPACT:

There may be an increase in sales tax revenue and business license tax revenue. Calculations of the exact amount would be speculative.


Respectfully submitted,


Michael A. Huntley
Community and Economic
Development Director

Prepared by:


Samantha Tewasart
Senior Planner

Reviewed by:


Natalie C. Karpeles
Deputy City Attorney

Attachments:

Attachment 1: Draft Resolution

Exhibit A: Noise Analysis Technical Study

Attachment 2: Site and floor plans

ATTACHMENT 2

Noise Analysis Technical Study (updated)

Noise Analysis Technical Study OneLegacy Heliport

Prepared for:

Heliplanners, Inc.
41689 Enterprise Circle North, Suite 212
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Prepared by:

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March 2018

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A. EXECUTIVE SUMMARY

This Noise Study assesses and discusses the potential noise impacts that may occur with the proposed rooftop heliport (helistop) at an existing building located at 1977 Saturn Street ("Project site"), in the City of Monterey Park ("City"). The analysis describes the existing environment in the Project area and estimates future noise levels at surrounding land uses resulting from operation of the Project. The study discusses applicable federal, State, and local noise regulations; monitoring data; applicable noise thresholds; the methodology used to analyze potential noise impacts; and the modeled on-site uses. The findings of the analyses are as follows:

- Helicopter noise levels from approach/departure to/from the east would be below the Federal Interagency Committee on Noise (FICON)-recommended 5.0 dB threshold for ambient noise less than 60 dB CNEL, the 3.0 dB threshold for ambient noise between 60 and 65 dB CNEL, and the 1.5 dB threshold for ambient noise greater than 65 dB CNEL.
- Helicopter noise levels from approach/departure to/from the west would be below the FICON-recommended 5.0 dB threshold for ambient noise less than 60 dB CNEL, the 3.0 dB threshold for ambient noise between 60 and 65 dB CNEL, and the 1.5 dB threshold for ambient noise greater than 65 dB CNEL.
- Residential development or other sensitive receptors would not be exposed to operational noise increases exceeding the FICON criteria. These criteria are based upon studies that relate aircraft noise levels to the percentage of persons highly annoyed by the noise. In general, changes in a noise level of less than 3 dBA are not noticed by the human ear. Changes from 3 to 5 dBA may be noticed by some individuals who are extremely sensitive to changes in noise. An increase of greater than 5 dBA is readily noticeable, while the human ear perceives a 10 dBA increase in sound level to be a doubling of sound volume. The Project would not result in any increase in noise greater than 5 dBA. Based on these findings, the Project would be consistent with the City's Municipal Code, Chapter 9.03, which is adopted for identifying low flying aircraft as public nuisance and authorizing abatement of such nuisances.

B. PROJECT DESCRIPTION

The Applicant is proposing to develop a rooftop helistop at an existing building located at 1977 Saturn Street, Monterey Park, California. ("Project site"). The Project site is in the City of Monterey Park within the County of Los Angeles, as shown in **Figure 1, Regional Location**. The Project site is located approximately 0.35 miles north of the Pomona Freeway (State Route [SR] 60). The existing building is bound by Saturn Street to the south and by S. Orange Avenue to the east, as shown in **Figure 2, Site Location**. The existing surrounding uses include commercial and residential uses to the north and west.

Helicopter flight patterns would be regulated by a Conditional Use Permit (CUP). Pilots would be instructed to use the specified approach/departure paths ("flight paths"), as illustrated in **Figure 3, Flight Path**, unless conditions (e.g., strong winds, temporary obstructions, obscured view, etc.) favored alternate approaches/departures. As shown in **Figure 3**, the flight paths would follow the SR 60 corridor and would not operate directly over the existing residential uses.

The rooftop helistop would be approximately 45 feet above ground level. It is anticipated the most common type of helicopters that would utilize the helistop would include the Agusta A-109, Aerospatiale SA-355F Twin Star (AS-355), and the Sikorsky S-76. The maximum takeoff weight would range between 5,070 and 10,000 pounds. The rooftop helistop is anticipated to have a maximum of 60 flights per year. Based on historical data of a similar use, it is anticipated that 90 percent of flights would occur during the daytime period (7 AM–7 PM), 5 percent of flights would occur during the evening period (7 PM–10 PM), and 5 percent of flights would occur during the nighttime period (10 PM–7 AM). In addition, it is anticipated that 70 percent of flights would be from the Agusta A-109, 25 percent from the AS-355, and 5 percent from the Sikorsky S-76.

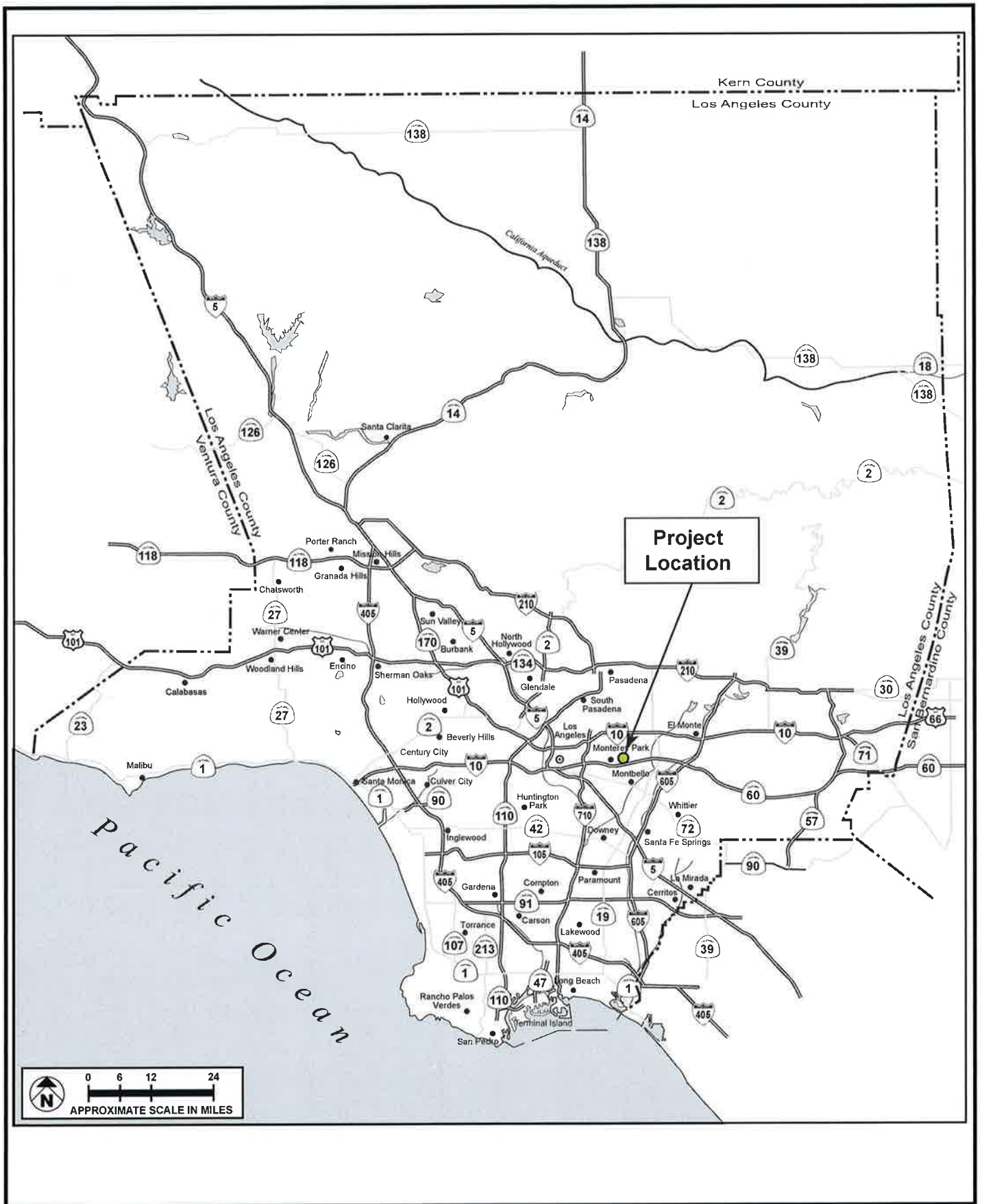


FIGURE 1



SOURCE: Google Earth - 2017

FIGURE 2



SOURCE: Google Earth - 2018

FIGURE 3

C. ENVIRONMENTAL SETTING

Fundamentals of Sound

Sound is the quickly varying pressure wave traveling through a medium. When sound travels through air, the atmospheric pressure varies periodically. The number of pressure variations per second is called the frequency of sound and is measured in Hertz (Hz), which is defined as cycles per second. “Sound” and “noise” will be used interchangeably throughout this report.

The sounds we hear are composed of various frequencies. A normal human ear is able to hear sounds with frequencies ranging from 20 Hz to 20,000 Hz, which is called the audible frequency range. The entire audible frequency range can be divided into 10 or 24 frequency bands, known as octave bands or 1/3 octave bands, respectively. A particular sound or noise can be seen to have different strengths or sound pressure levels (SPLs) in the frequency bands. The higher the frequency, the higher pitched a sound is perceived. For example, the sounds produced by drums have much lower frequencies than those produced by a whistle.

A single SPL is often used to describe a sound. This can be done by adding the contribution from all octave bands or 1/3 octave bands together to yield one single SPL. SPL alone is not a reliable indicator of loudness because the human ear does not respond uniformly to sounds at all frequencies. For example, the human ear is less sensitive to low and high frequencies than it is to the medium frequencies that more closely correspond to human speech. In response to this sensitivity of the human ear to different frequencies, the A-weighted noise level, referenced in units of dBA, was developed to better correspond with the subjective judgment of sound levels by individuals.

A doubling of sound energy results in a 3 dBA increase in sound, which means that a doubling of sound wave energy (e.g., doubling the volume of traffic on a roadway) would result in a barely perceptible change in sound level. In general, changes in a noise level of less than 3 dBA are not noticed by the human ear.¹ Changes from 3 to 5 dBA may be noticed by some individuals who are extremely sensitive to changes in noise. An increase of greater than 5 dBA is readily noticeable, while the human ear perceives a 10 dBA increase in sound level to be a doubling of sound volume.

Noise sources can generally be categorized as one of two types: (1) point sources, such as stationary mechanical equipment; and (2) line sources, such as a roadway and aircraft. Sound generated by a line source typically attenuates at a rate of 3 dBA and 4.5 dBA per doubling of distance from the source to the

1 US Department of Transportation, Federal Highway Administration, *Fundamentals and Abatement of Highway Traffic Noise* (Springfield, VA: U.S. Department of Transportation, Federal Highway Administration, September 1980), 81.

receptor for hard and soft sites, respectively.² Common noise levels that range from 50 dB to 80 dB include: average office (50 – 60 dB); near freeway/auto traffic (60 – 70 dB); freight train (70 – 80 dB); and gas lawn mower (80 dB).

To support the assessment of community reaction to noise, scales have been developed that average SPLs over time and quantify the result in terms of a single numerical descriptor. Several scales have been developed that address community noise levels. Leq is the average A-weighted sound level measured over a given time interval. Leq can be measured over any period but is typically measured for 1-minute, 15-minute, 1-hour, or 24-hour periods.

Noise levels may also be reduced by intervening structures; generally, a single row of buildings between the receptor and the noise source reduces the noise level by about 5 dBA, whereas a solid wall or berm reduces noise levels by 5 to 10 dBA.³ Vegetative barriers, such as shrubs up to 8 feet in height and 15 feet in width, typically attenuate noise levels 1 dBA and can attenuate noise levels from 1 to 3 dBA, depending on the type and amount of vegetation.⁴

Decibel readings are weighted to reflect sensitivities to different frequencies. As discussed above, the A weighting is intended to reflect human sensitivity to higher frequencies, while the C weighting incorporates low frequencies.

The sound-level averages, Leq, were measured as A-weighted, slow-time-weighted (1-minute period) sound-level variables, commonly used for measuring environmental sounds. The maximum 1-minute recorded measurement is commonly referred to as Lmax. The minimum 1-minute recorded measurement is commonly referred to as Lmin. The day-night level (Ldn) is the 24-hour average sound level that recognizes the increased sensitivity to nighttime noise by adding 10 dB to noise occurring between 10:00 PM and 7:00 AM. The Community Noise Equivalent Level (CNEL) is similar to the Ldn except that CNEL also adds 5 dB to noise occurring between 7:00 PM and 10:00 PM. Sound levels presented in this report represent an average Leq, which is the Lmax and the Lmin expressed in terms of dBA.

Table 1, Noise Descriptors, identifies various noise descriptors developed to measure sound levels over different periods of time.

2 FHA, *Fundamentals and Abatement of Highway Traffic Noise*, 1980, p. 97.

3 State of California Department of Transportation (Caltrans), *Technical Noise Supplement*, 1998, 33–40, 123–131.

4 Caltrans, *Traffic Noise Attenuation as a Function of Ground and Vegetation (Final Report)*, 1995, 65.

Table 1
Noise Descriptors

Term	Definition
Decibel (dB)	The unit for measuring the volume of sound equal to 10 times the logarithm (base 10) of the ratio of the pressure of a measure sound to a reference pressure.
A-Weighted Decibel [dBA]	A sound measurement scale that adjusts the pressure of individual frequencies according to human sensitivities. The scale accounts for the fact that the region of highest sensitivity for the human ear is between 2,000 and 4,000 cycles per second (hertz).
Hertz (Hz)	The frequency of the pressure vibration which is measured in cycles per second.
Kilohertz (kHz)	One thousand cycles per second.
Equivalent Sound Level (Leq)	The sound level containing the same total energy as a time varying signal over a given time period. The Leq is the value that expresses the time averaged total energy of a fluctuating sound level. Leq can be measured over any time period, but is typically measured for 1-minute, 15-minute, 1-hour, or 24-hour periods.
Community Noise Equivalent Level (CNEL)	A rating of community noise exposure to all sources of sound that differentiates between daytime, evening, and nighttime noise exposure. These adjustments add 5 dBA for the evening, 7:00 PM to 10:00 PM, and add 10 dBA for the night, 10:00 PM to 7:00 AM. The 5- and-10 decibel penalties are applied to account for increased noise sensitivity during the evening and nighttime hours. The logarithmic effect of adding these penalties to the 1-hour Leq measurements typically results in a CNEL measurement that is within approximately 3 dBA of the peak-hour Leq. ^a
Daytime (Lday)	Lday is the average noise exposure during the hourly periods from 7:00 AM to 10:00 PM.
Nighttime (Lnight)	Lnight is the average noise exposure during the hourly periods from 10:00 PM to 7:00 AM.
Day-Night Level (Ldn)	24-hour average sound level, with a penalty of 10 dB added for noise during the nighttime hours of 10:00 PM to 7:00 AM.
Sound Pressure Level (SPL)	The sound pressure is the force of sound on a surface area perpendicular to the direction of the sound. The SPL is expressed in dB.
Ambient Noise	The level of noise that is all encompassing within a given environment, being usually a composite of sounds from many and varied sources near to and far from the observer. No specific source is identified in the ambient environment.

^a California Department of Transportation, *Technical Noise Supplement: A Technical Supplement to the Traffic Noise Analysis Protocol* (Sacramento: November 2009), pp. N51–N54.

Existing Conditions

Ambient Noise Levels

The major noise source within the City include vehicular traffic, specifically SR 60 located to the south of the Project site. As stated in the City's General Plan, air traffic into and out of Los Angeles Airport International Airport (LAX), located approximately 25 miles west of the City, follows an east–west route directly over the middle of the City. Outbound aircraft in particular represent an intrusive noise source. Similar flying centers near the Project site include the Los Angeles County/USC Medical Center approximately 6 miles to the west, Cedars-Sinai Medical Center approximately 15 miles to the west, and the Ronald Reagan UCLA Medical Center approximately 19 miles to the west.

The existing ambient noise environment near the Project site was determined by conducting noise measurements near sensitive receptors that would potentially be impacted by the proposed Project. Short-term (15-minute) and long-term (24-hour) noise monitoring was conducted utilizing a Larson Davis 831 sound level meter. The short-term noise results are provided in **Table 2, Short-Term (15-minute) Noise Measurements**; the long-term noise results are provided in **Table 3, Long-Term (24-hour) Noise Measurements**. These measured noise levels represent day-to-day noise from sources near the Project site, including vehicular traffic along local streets. The locations of the noise monitoring locations are provided in **Figure 4, Noise Monitoring Locations**.

Table 2
Short-Term (15-minute) Noise Measurements

Site	Location	Sensitive Use	Date	15-minute Leq
Site A	Iris Way, northwest of the Project site	Residential	11/28	48.2
			11/30	55.1
Site B	Via Palermo, south of the Project site	Residential	11/28	59.4
			11/30	59.1
Site C	Ellingbrook Drive, southeast of the Project site	Residential	11/28	65.6
			11/30	58.7

Source: Refer to **Appendix A** for noise monitoring data sheets.

Note: 15-minute measurements were conducted on Tuesday, November 28, and Thursday, November 30, 2017.

Table 3
Long-Term (24-hour) Noise Measurements

Site	Location	Sensitive Use	Leq day	Leq night	Ldn
Site 1	Atlas Avenue and Coral Circle, southwest of the Project site	Residential/Commercial	73.2	68.9	76.2
Site 2	Along Potrero Grande Drive, east of the Project site	Residential/Commercial	71.4	66.0	73.7

Source: Refer to **Appendix A** for noise monitoring data sheets.

Notes: 24-hour noise measurements were conducted on Tuesday, November 28, through Thursday, November 30, 2017.

Leq day: Average noise exposure during the hourly period of 7:00 AM to 10:00 PM.

Leq night: Average noise exposure during the hourly period of 10:00 PM to 7:00 AM.

Ldn: 24-hour average sound level, with a penalty of 10 dB added for noise during the nighttime hours of 10:00 PM to 7:00 AM.



FIGURE 4

Noise Monitoring Locations

D. REGULATORY SETTING

Federal Regulations

US Environmental Protection Agency

The Federal Noise Control Act of 1972 establishes programs and guidelines to identify and address the effects of noise on public health and welfare and the environment.⁵ The US Environmental Protection Agency (USEPA) administrators determined in 1981 that subjective issues such as noise would be better addressed at more local levels of government. Consequently, in 1982, responsibilities for regulating noise-control policies were transferred to state and local governments. However, noise-control guidelines and regulations contained in the rulings of the USEPA in prior years remain in place, enforced by designated federal agencies where relevant.

State Regulations

State of California Building Code

California's noise insulation standards are codified in the California Code of Regulations, Title 24, Building Standards Administrative Code, Part 2, California Building Code. These noise standards are applied to new construction in California to ensure interior noise compatibility from exterior noise sources. The regulations specify that acoustical studies must be prepared when noise-sensitive structures, such as residential buildings, schools, or hospitals, are located near major transportation noise sources, and where such noise sources create an exterior noise level of 60 dBA CNEL or higher. Acoustical studies that accompany building plans must demonstrate that the structure has been designed to limit interior noise in habitable rooms to acceptable noise levels. For new residential buildings, schools, and hospitals, the acceptable interior noise limit for new construction is 45 dBA CNEL.

California Noise Insulation Standards

The California Noise Insulation Standards⁶ require that interior noise levels from exterior sources be 45 dBA or less in any habitable room of a multiresidential-use facility (e.g., hotels, motels, dormitories, long-term care facilities, and apartment houses, except detached single-family dwellings) with doors and windows closed. Measurements are based on CNEL or Ldn, whichever is consistent with the noise element of the local general plan. Where exterior noise levels exceed 60 dBA CNEL, an acoustical analysis for new development may be required to show that the proposed construction will reduce interior noise levels to 45 dBA CNEL. If the interior 45 dBA CNEL limit can be achieved only with the windows closed, the residence must include mechanical ventilation that meets applicable Uniform Building Code requirements.

5 Noise Control Act of 1972, sec. 2 (1972).

6 California Code of Regulations, tit. 24, sec. 3501 et seq.

California Department of Health Services

The State of California Department of Health Services, Environmental Health Division, has published recommended guidelines for noise and land use compatibility, referred to as the *State Land Use Compatibility Guidelines for Noise* ("State Noise Guidelines"). The State Noise Guidelines, illustrated in **Figure 5, Land Use Compatibility to Noise**, indicate that commercial and industrial land uses generally should be located in areas where outdoor ambient noise levels do not exceed 70 to 75 dBA CNEL.

Office Buildings, Business Commercial and Professional land uses are normally acceptable when located in areas where ambient noise exposure values do not exceed 70 decibels when buildings are of normal construction without any special noise insulation requirements. These same types of buildings and land uses are conditionally acceptable when ambient noise exposure values do not exceed 78 decibels when needed noise insulation features are included in the design, or when conventionally constructed, closed windows and fresh air systems or air conditioning will normally suffice.

Industrial Manufacturing Utilities Agriculture land uses, are normally acceptable when located in areas where ambient noise exposure values do not exceed 75 decibels when buildings are of normal construction without any special noise insulation requirements. These same types of buildings and land uses are conditionally acceptable when ambient noise exposure values do not exceed 80 decibels when needed noise insulation features are included in the design, or when conventionally constructed, closed windows and fresh air systems or air conditioning will normally suffice.

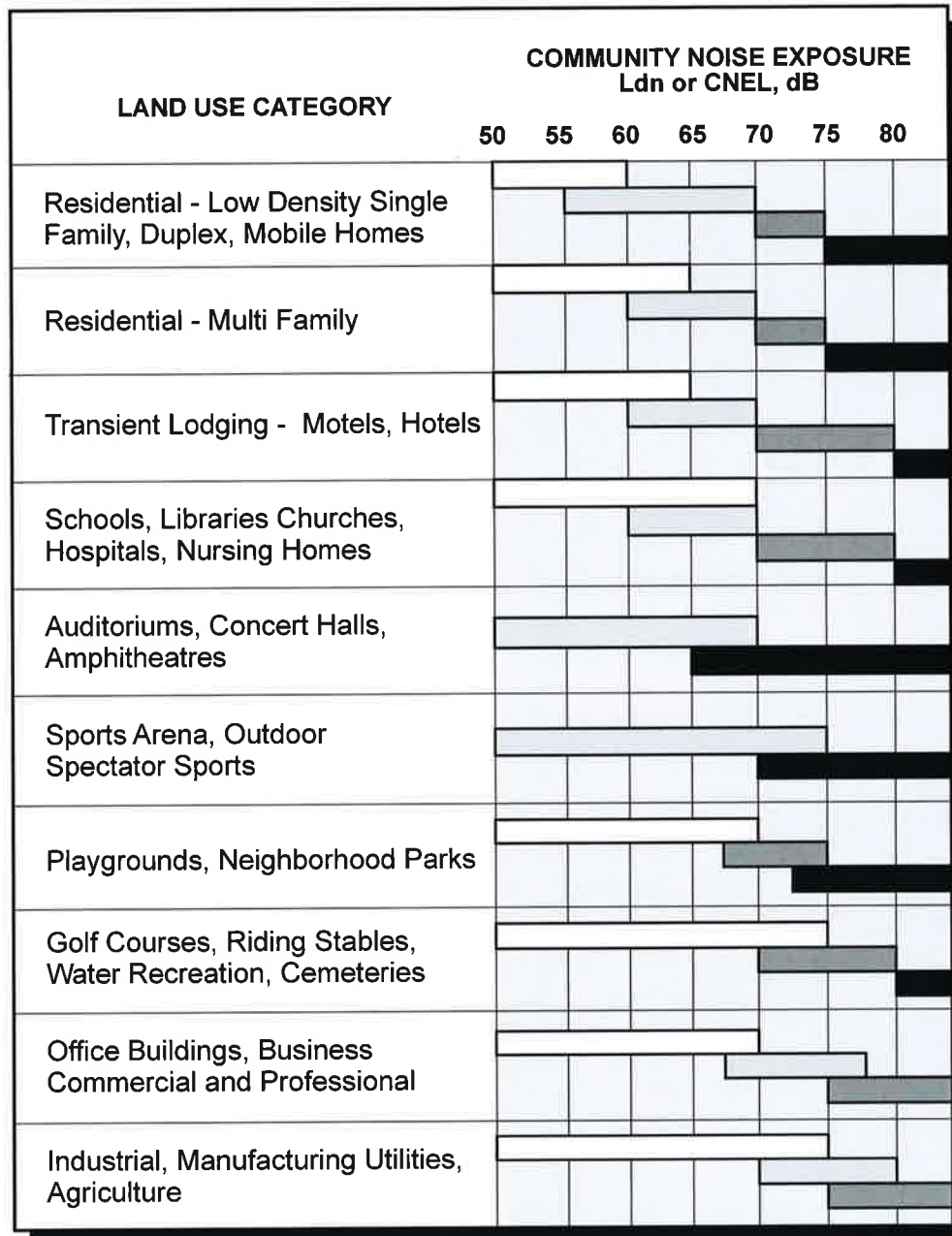
Local Regulations

City of Monterey Park General Plan

The Noise Element of the City of Monterey Park General Plan establishes goals and policies for the compatibility of land uses with various noise levels. These policies have been used to set and adopt noise compatibility criteria for various land uses within the City. The purpose of these criteria is to reduce the various potential effects of noise on people, including sleep disturbance, reduced physical and mental performance, annoyance, and interference with speech communication.

As mentioned previously, air traffic into and out of LAX follows an east–west route over the middle of the city. As such, the following policy has been established to reduce aircraft noise impacts on the City's residents and businesses:

- Policy 7.2 – restrict the establishment of helipads to those areas of the city where overflights of residential neighborhoods can be avoided, except where such operations are needed to support critical medical and emergency response facilities.



- NORMALLY ACCEPTABLE**
Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.
- CONDITIONALLY ACCEPTABLE**
New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning will normally suffice.
- NORMALLY UNACCEPTABLE**
New construction or development should generally be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise reduction features included in the design.
- CLEARLY UNACCEPTABLE**
New construction or development should generally not be undertaken.

SOURCE: California Governor's Office of Planning and Research, State of California General Plan Guidelines, Appendix C: Guidelines for the Preparation and Content of Noise Elements of the General Plan, October 2003.

FIGURE 5

City of Monterey Park Municipal Code – Noise

The City regulates noise through the City of Monterey Park Municipal Code, Chapter 9.53, which has established noise standards for stationary noise levels at various categories of land uses. While the ordinance defines the type of noise that is applicable, (i.e., fixed noise source, impulsive sound, and intrusive noise) it is assumed that the ordinance is referencing and is limited to the measurement of instantaneous sound levels that are not typically utilized as part of the assessment of transportation-generated noise. Transportation-generated noise is best considered to represent intermittent noise where the noise level increases and decreases rapidly such as aircraft overhead. It is assumed the noise metric values to that of the A-weighted decibel values listed in the City's Ordinance 9.53 are based on instantaneous sound levels only and without the calculation of integrated sound energy levels over a specified period of time. As such, for purposes of this analysis, helicopter noise levels generated from the Project are not compared to the City's exterior noise standards.

City of Monterey Park Municipal Code – Aircraft

The City regulates aircraft operations and noise through the City of Monterey Park Municipal Code, Chapter 9.03, which is adopted for identifying low flying aircraft as public nuisance and authorizing abatement of such nuisances. The ordinance defines noise disturbance as any loud, raucous, annoying, or unusual noise that offends the peace and quiet of persons of ordinary sensibilities and interferes with the comfortable enjoyment of life or property and affects at the same time an entire neighborhood or any considerable number of persons.

E. NOISE METHODOLOGY

Additional guidance as to the significance of changes in ambient noise levels is provided by the Federal Interagency Committee on Noise (FICON), which assessed the annoyance of changes in ambient noise levels resulting from aircraft operations. The Federal Interagency Committee on Aviation Noise (FICAN) was formed based on the FICON report's policy recommendation to form a standard interagency committee for facilitating research on methodology development and on the impact of aircraft noise.

The FICON findings are based upon studies that relate aircraft noise levels to the percentage of persons highly annoyed by the noise. Annoyance is a summary measure of the general adverse reaction of people to noise that generates speech interference; sleep disturbance, or interference with the desire for a tranquil environment. FICON reaffirmed both DNL as the appropriate metric for measuring aviation noise exposure and DNL 65 dB as the Federal Government's level of significance for assessing noise impacts. **Table 5, Significance of Change in Operational Noise Exposure**, shows the significance thresholds for increases in operational noise levels caused by the Project or by cumulative development. If residential development or other sensitive receptors would be exposed to operational noise increases exceeding these criteria, impacts would be considered significant.

Table 4
Significance of Change in Operational Noise Exposure

Ambient Noise Level with Project (Ldn or CNEL)	Significant Impact
45 dB to <60 dB	+ 5.0 dB or more
60 dB to <65 dB	+ 3.0 dB or more
65 dB or greater	+ 1.5 dB or more

Flight profiles from helicopter operations were assessed using the Federal Aviation Administration (FAA) Aviation Environmental Design Tool (AEDT 2d). The AEDT software system contains aircraft operational and noise data in a reference library that reflects a wide range of aircraft operating conditions. These flight profiles and operational conditions include vertical ascend/descend, accelerating/decelerating level, accelerating/decelerating climb/descend, constant velocity climb/level, etc. In addition, noise-level calculations at the location of noise-sensitive land uses in the Project vicinity were assessed using the SoundPLAN noise model. The SoundPLAN model accounts for various inputs to analyze topography, vegetation, propagation from buildings, and existing and proposed noise sources and barriers; and it depicts noise contours at varying distances. The SoundPLAN model takes into account the varying slant distances between the helicopter and the receiver. Helicopter flight profiles from AEDT 2d for the Augusta

A109, AS-355, and Sikorsky S-76 were programmed into the SoundPLAN noise modeling system, as shown in **Tables 5 through 8**.

The ambient noise levels at surrounding sensitive-receptor locations were determined based on noise monitoring as presented in **Table 2** and **Table 3** above. The modeled results are presented in **Section F, Results and Analysis**, below.

Table 5
Agusta A-109 Flight Profile

Step Type	Distance (feet)	Altitude AFE (ft)	Speed (knots)
<i>Departure</i>			
Vertical Ascend	--	15	--
Accelerating Level	100	--	30
Accelerating Climb	500	30	60
Constant Velocity Climb	3,500	1,000	--
Accelerating Level	2,800	--	116
Constant Velocity Level	93,100	--	--
<i>Approach</i>			
Start	--	1,000	116
Constant Velocity Level	87,250	--	--
Decelerating Level	5,000	--	60
Constant Velocity Descend	4,800	500	--
Decelerating Descend	2,850	15	0

Source: AEDT 2d, Flight Profiles: Agusta A-109.

Table 6
AS-355 Flight Profile

Step Type	Distance (feet)	Altitude AFE (ft)	Speed (knots)
Departure			
Vertical Ascend	--	15	--
Accelerating Level	100	--	30
Accelerating Climb	500	30	63
Constant Velocity Climb	3,500	1,000	--
Accelerating Level	2,800	--	116
Constant Velocity Level	93,100	--	--
Approach			
Start	--	1,000	116
Constant Velocity Level	87,250	--	--
Decelerating Level	5,000	--	63
Constant Velocity Descend	4,800	500	--
Decelerating Descend	2,850	15	0

Source: AEDT 2d, Flight Profiles: Aerospatiale SA-355F Twin Star (AS-355).

Table 7
Sikorsky S-76 Flight Profile

Step Type	Distance (feet)	Altitude AFE (ft)	Speed (knots)
Departure			
Vertical Ascend	--	15	--
Accelerating Level	100	--	30
Accelerating Climb	500	30	74
Constant Velocity Climb	3,500	1,000	--
Accelerating Level	2,800	--	130
Constant Velocity Level	93,100	--	--
Approach			
Start	--	1,000	130
Constant Velocity Level	87,250	--	--
Decelerating Level	5,000	--	74
Constant Velocity Descend	4,800	500	--
Decelerating Descend	2,850	15	0

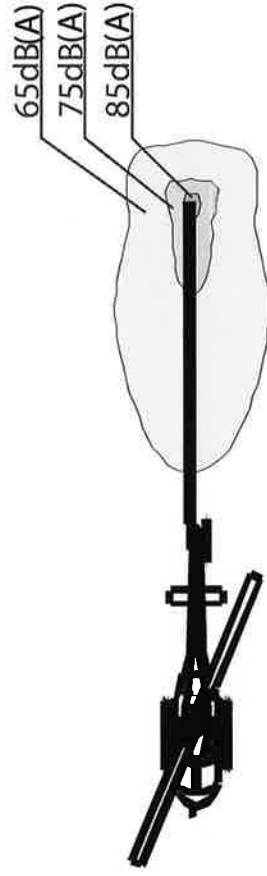
Source: AEDT 2d, Flight Profiles: Sikorsky S-76 Spirit.

F. RESULTS AND ANALYSIS

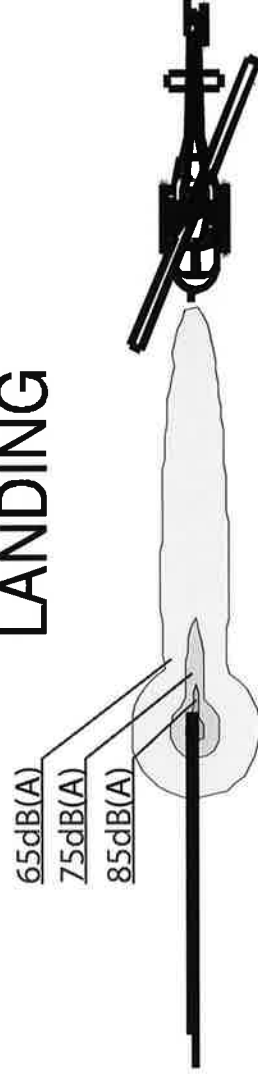
Helicopter noise has a distinctive character. Although a portion of the noise comes from the engines, the distinctiveness of helicopter noise is largely due to the modulation of the sound created by the relatively slow-turning main rotor. The sound modulation is referred to as blade slap. Blade slap is most pronounced during low-speed descents and high-speed cruise. To persons on the ground, helicopters are most audible as the aircraft approaches a landing area. **Figure 6, Noise Footprint of Helicopters**, shows 65 dBA and 75 dBA maximum instantaneous noise-level ground contours for typical helicopters (approximately 5,000 pounds) on takeoff and landing.

As shown in **Tables 5 through 7** above, helicopters differ in approach and departure speeds. However, once a ground speed of zero is reached, the helicopter begins a vertical descent to the heliport, which typically takes approximately 10 seconds. Once on the landing site surface, the helicopter undergoes a standard 2- to 3-minute turbine cool-down period for shutting down engines and rotors.. Following the cool down, the helicopter either shuts down or initiates its departure procedure. Overall, the main noise-producing portion of the helicopter approach would take less than 3 minutes and would not occur directly over existing residential or commercial uses.

TAKEOFF



LANDING



Small Helicopter

Scale: 1" = \pm .5 Miles
(aircraft not to scale)

Note: The outermost contour indicates a 65 dB(A) sound level.
Additional contours are at 10dB(A) increments (75 and 85 dB(A)).

SOURCE: California Airport Land Use Planning Handbook – January 2002

FIGURE 6

Approach from the East

Table 8, Single-Event Noise Levels of Helicopter Approach from the East, provides the predicted Lmax noise levels produced at nearby receptors while the helicopter approaches from the east. As mentioned previously, the main noise-producing portion of the helicopter approach would take less than 3 minutes. As shown in **Table 8**, the helicopter approach from the east would not result in a significant increase in ambient noise at any of the nearby sensitive receptors and, thus, would be below the FICON-recommended 5.0 dB threshold for ambient noise less than 60 dB CNEL; the 3.0 dB threshold for ambient noise between 60 and 65 dB CNEL; and the 1.5 dB threshold for ambient noise greater than 65 dB CNEL. The results of the predictive modeling process for each type of helicopter approaching the Project site from the east are shown graphically in **Figures 7–9, Noise Level Contour Map – Approach from the East**.

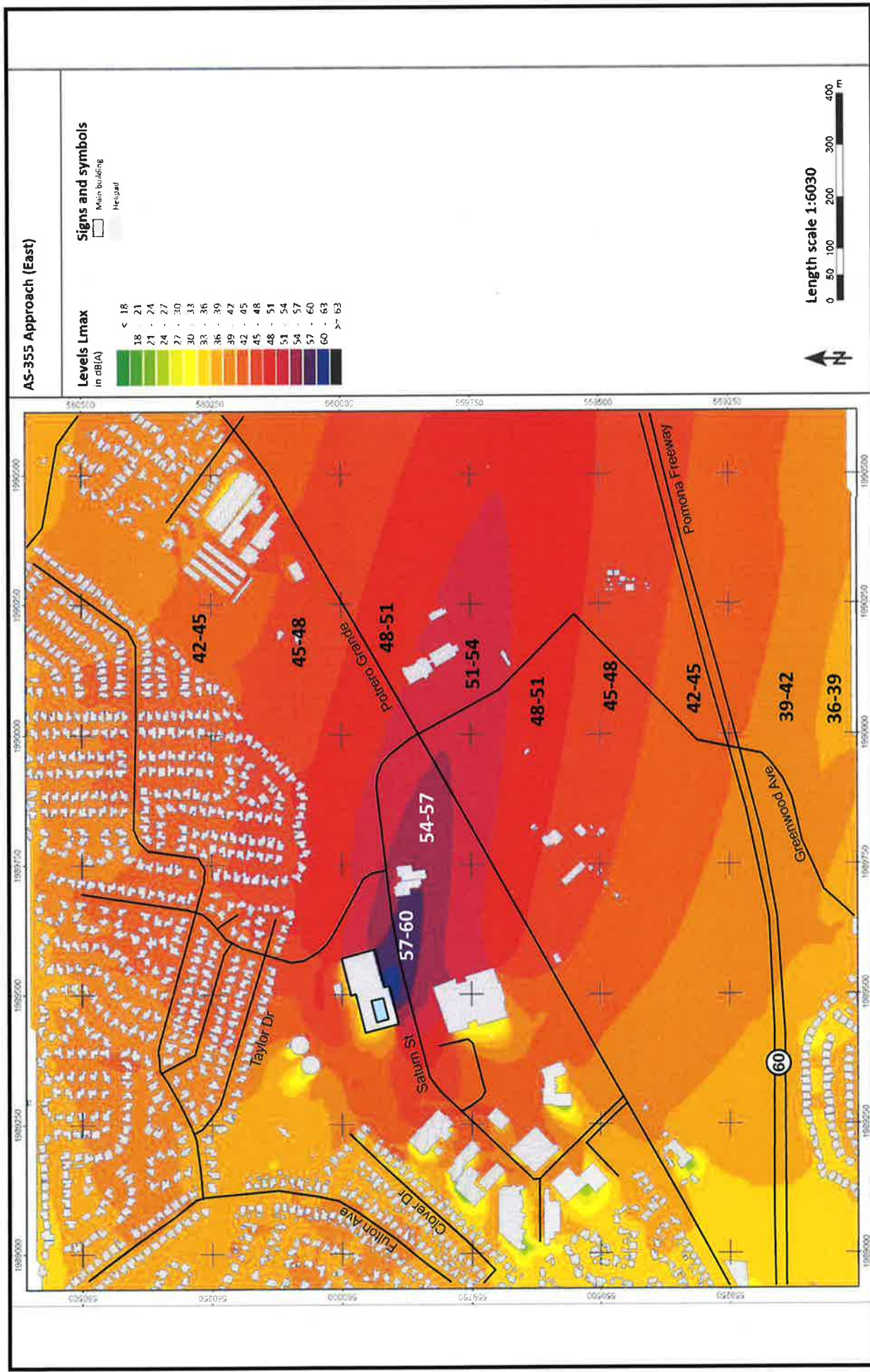
Table 8
Single-Event Noise Levels of Helicopter Approach from the East

Sensitive Receptor	Measured Ambient Sound Levels (dBA)		Single Event Flight Pattern Sound Level (dBA) Lmax	Future Sum of Ambient plus Single Event Helicopter Flight Pattern Sound Level ^a		Calculated Increase in Noise	
	Lday	Lnight		Lday	Lnight	Lday	Lnight
AS-355							
Site A	48.2	48.2	44.2	49.7	49.7	1.5	1.5
Site B	59.1	59.1	39.0	59.1	59.1	0.0	0.0
Site C	58.7	58.7	41.4	58.8	58.8	0.1	0.1
Site 1	73.2	68.9	40.1	73.2	68.9	0.0	0.0
Site 2	71.4	66.0	45.0	71.4	66.0	0.0	0.0
Agusta A-109							
Site A	48.2	48.2	44.4	49.7	49.7	1.5	1.5
Site B	59.1	59.1	39.2	59.1	59.1	0.0	0.0
Site C	58.7	58.7	41.4	58.8	58.8	0.1	0.1
Site 1	73.2	68.9	40.4	73.2	68.9	0.0	0.0
Site 2	71.4	66.0	45.2	71.4	66.0	0.0	0.0
Sikorsky S-76							
Site A	48.2	48.2	48.3	51.3	51.3	3.1	3.1
Site B	59.1	59.1	43.1	59.2	59.2	0.1	0.1
Site C	58.7	58.7	45.7	58.9	58.9	0.2	0.2
Site 1	73.2	68.9	44.2	73.2	68.9	0.0	0.0
Site 2	71.4	66.0	49.2	71.4	66.1	0.0	0.1

Source: SoundPLAN. Refer to **Appendix B** for model assumptions.

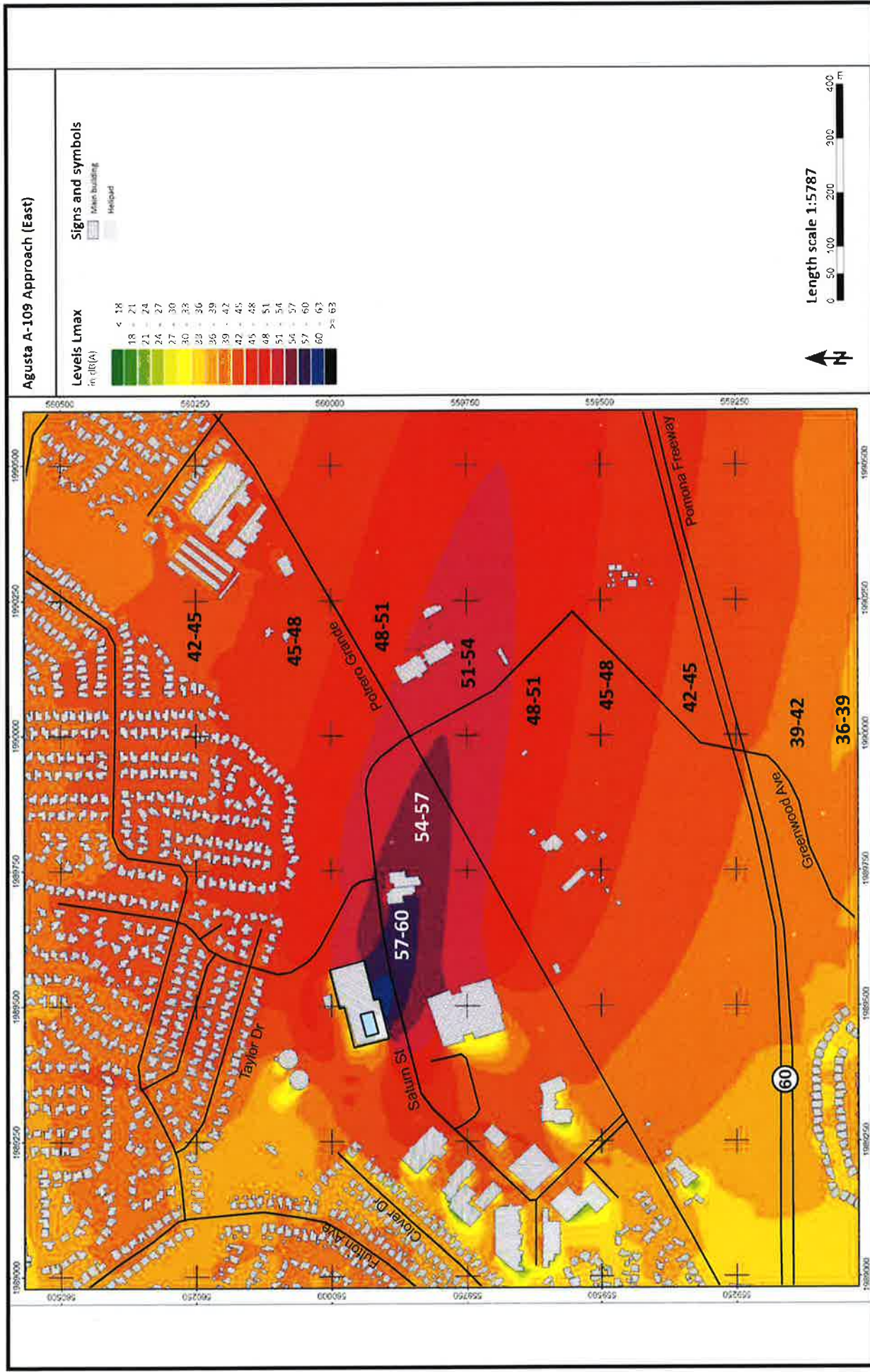
^a Predicted energy sum from the proposed helicopter flight pattern to the measured existing noise environment.

Note: 15-minute ambient measures were taken at Site A – C.



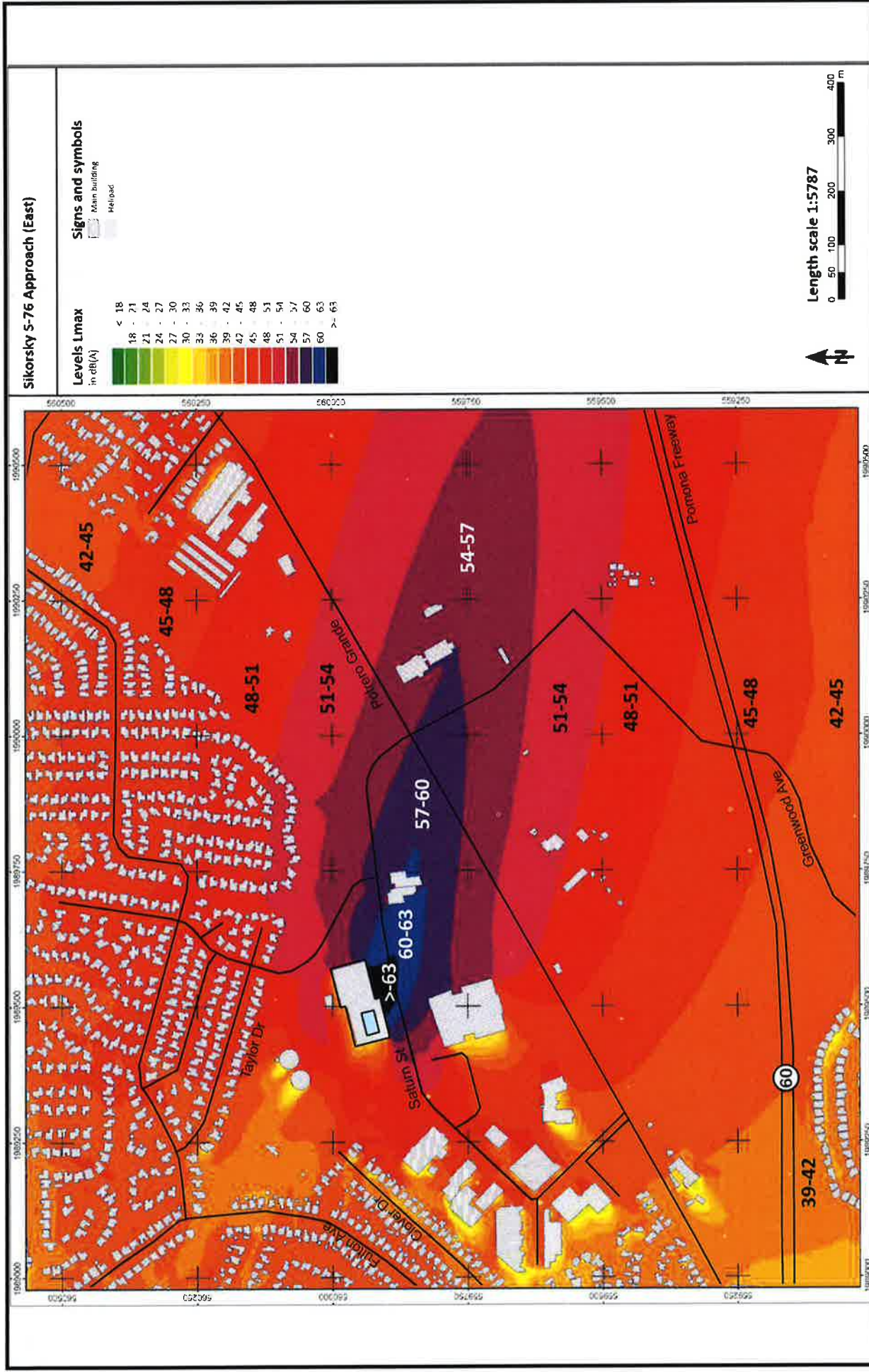
SOURCE: Meridian Consultants, LLC - March 2018

FIGURE 7



SOURCE: Meridian Consultants, LLC - March 2018

FIGURE 8



SOURCE: Meridian Consultants, LLC - March 2018

FIGURE 9

Departure to the East

Table 9, Single-Event Noise Levels of Helicopter Departure to the East, provides the predicted Lmax noise levels produced at nearby sensitive receptors while the helicopter departs the Project site to the east. As shown in **Table 9**, the helicopter departure to the east would not result in a significant increase in ambient noise at any of the nearby sensitive receptors and, thus, would be below the FICON-recommended 5.0 dB threshold for ambient noise less than 60 dB CNEL; the 3.0 dB threshold for ambient noise between 60 and 65 dB CNEL; and the 1.5 dB threshold for ambient noise greater than 65 dB CNEL. The results of the predictive modeling process for each type of helicopter departing the Project site to the east are shown graphically in **Figures 10–12, Noise Level Contour Map—Departure to the East**.

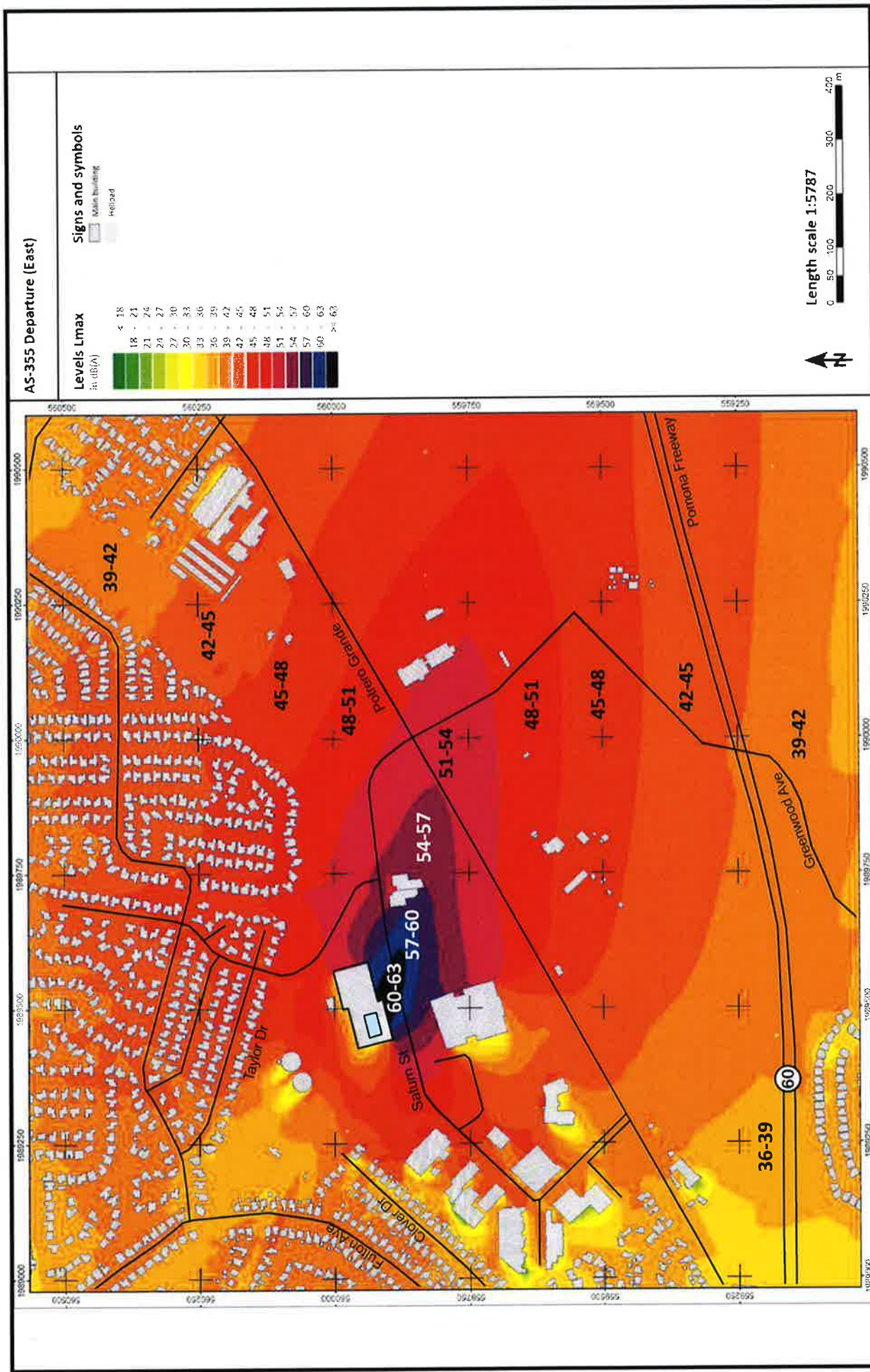
Table 9
Single-Event Noise Levels of Helicopter Departure to the East

Sensitive Receptor	Measured Ambient Sound Levels (dBA)		Single Event Flight Pattern Sound Level (dBA)	Future Sum of Ambient plus Single Event Helicopter Flight Pattern Sound Level ^a		Calculated Increase in Noise	
	Lday	Night		Lday	Night	Lday	Night
AS-355							
Site A	48.2	48.2	43.8	49.5	49.5	1.3	1.3
Site B	59.1	59.1	39.4	59.1	59.1	0.0	0.0
Site C	58.7	58.7	41.1	58.8	58.8	0.1	0.1
Site 1	73.2	68.9	40.6	73.2	68.9	0.0	0.0
Site 2	71.4	66.0	43.2	71.4	66.0	0.0	0.0
Agusta A-109							
Site A	48.2	48.2	44.4	49.7	49.7	1.5	1.5
Site B	59.1	59.1	39.2	59.1	59.1	0.0	0.0
Site C	58.7	58.7	41.5	58.8	58.8	0.1	0.1
Site 1	73.2	68.9	40.4	73.2	68.9	0.0	0.0
Site 2	71.4	66.0	45.2	71.4	66.0	0.0	0.0
Sikorsky S-76							
Site A	48.2	48.2	48.3	51.3	51.3	3.1	3.1
Site B	59.1	59.1	43.8	59.2	59.2	0.1	0.1
Site C	58.7	58.7	45.4	58.9	58.9	0.2	0.2
Site 1	73.2	68.9	45.0	73.2	68.9	0.0	0.0
Site 2	71.4	66.0	47.5	71.4	66.1	0.0	0.1

Source: SoundPLAN. Refer to **Appendix B** for model assumptions.

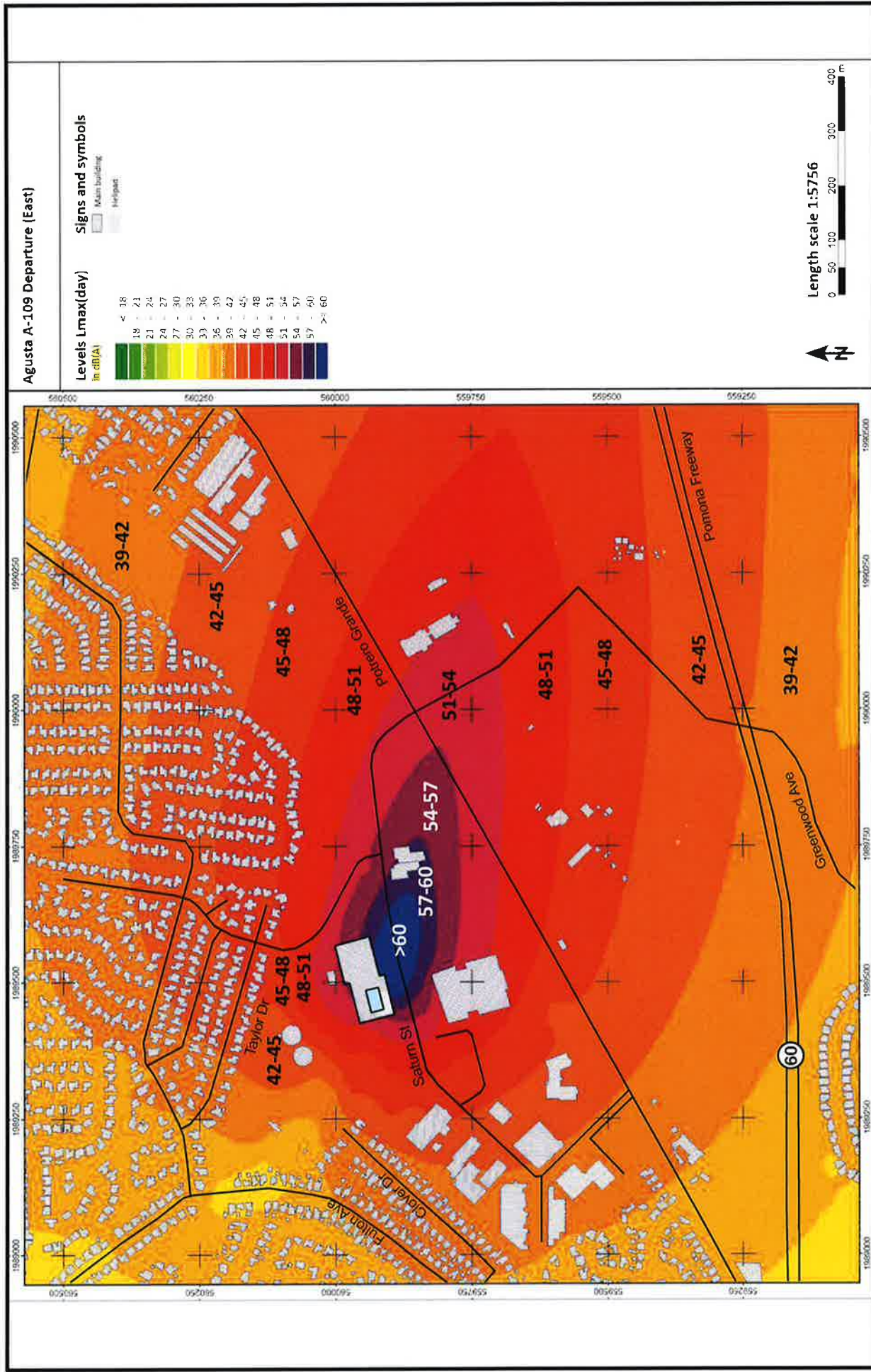
^a Predicted energy sum from the proposed helicopter flight pattern to the measured existing noise environment.

Note: 15-minute ambient measures were taken at Site A – C.



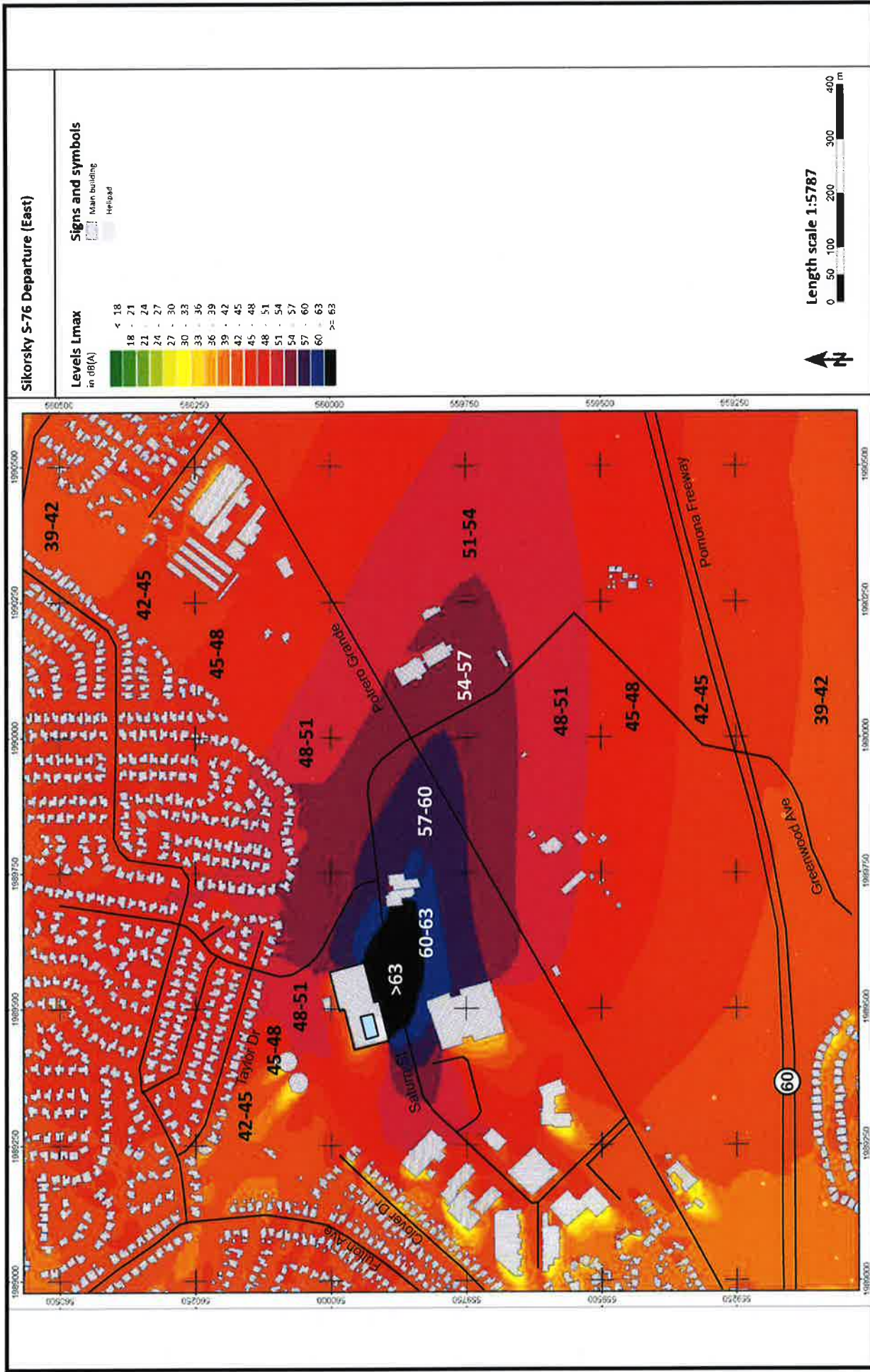
SOURCE: Meridian Consultants, LLC - March 2018

FIGURE 10



SOURCE: Meridian Consultants, LLC - March 2018

FIGURE 11



SOURCE: Meridian Consultants, LLC - March 2018

FIGURE 12

Approach from the West

Table 10, Predicted Noise Levels of Helicopter Approach from the West, provides the predicted Lmax noise levels produced at nearby receptors while the helicopter approaches from the west. The largest increase in noise would be experienced at Site A due to operation of the Sikorsky S-76 helicopter. As shown in **Figure 4**, Site A is located on Iris Way, approximately 620 feet northwest of the Project site. It is anticipated that 5 percent of helicopter operations would be from the Sikorsky S-76. Increases in noise would be due to the arrival path altitude of the helicopter at Site A when the helicopter is approaching the helipad. Vertical descent of the helicopter to the heliport typically takes approximately 10 seconds. The helicopter would not idle on the roof except for a standard 2- to 3-minute turbine cool-down period for shutting down engines and rotors. However, as shown in **Table 8**, the helicopter approach from the west would not result in a significant increase in ambient noise at any of the nearby sensitive receptors and, thus, would be below the FICON-recommended 5.0 dB threshold for ambient noise less than 60 dB CNEL; the 3.0 dB threshold for ambient noise between 60 and 65 dB CNEL; and the 1.5 dB threshold for ambient noise greater than 65 dB CNEL. The results of the predictive modeling process for each type of helicopter approaching the Project site from the west are shown graphically in **Figures 13–15, Noise Level Contour Map – Approach from the West**.

Table 10
Single-Event Noise Levels of Helicopter Approach from the West

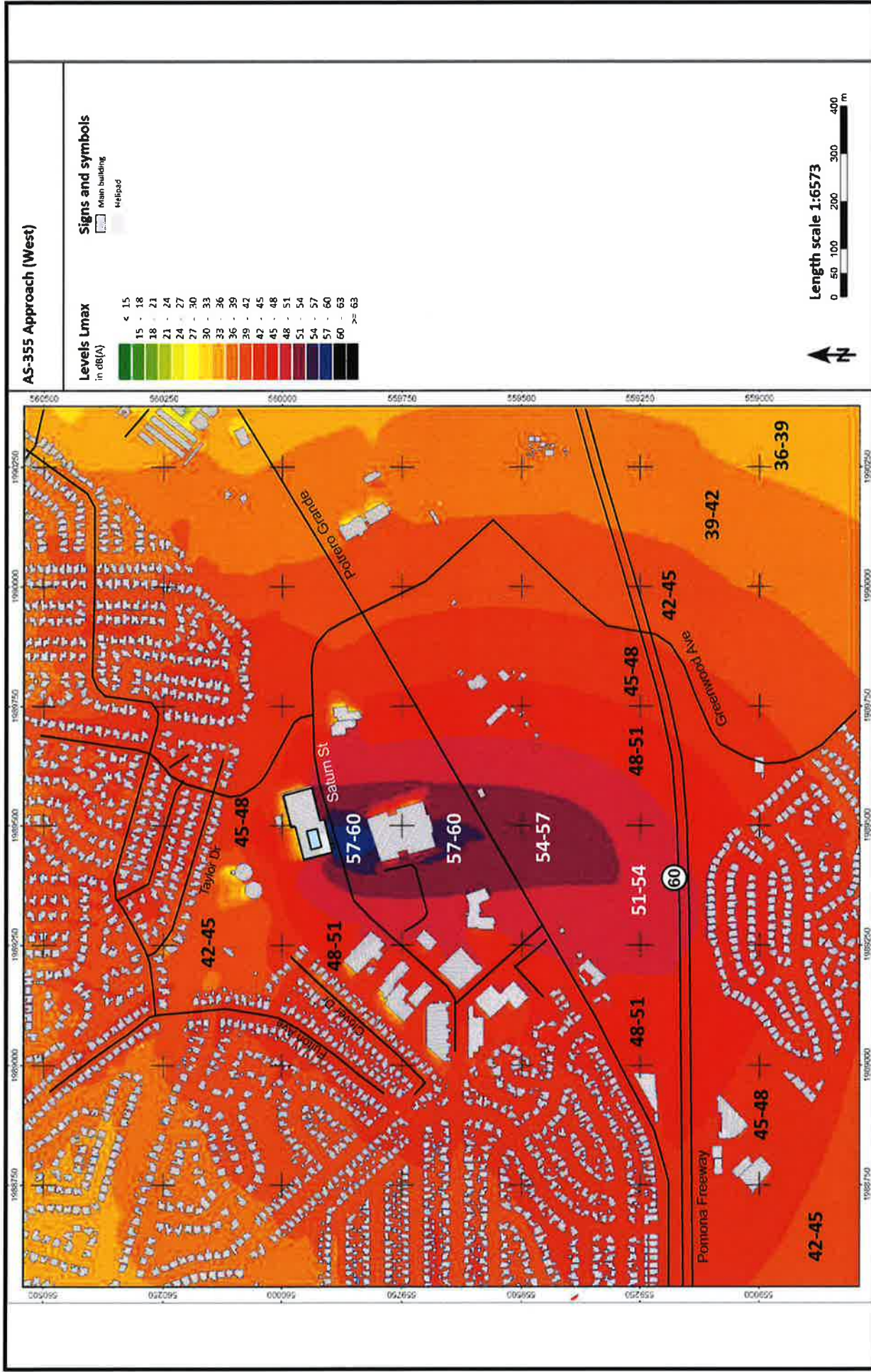
Sensitive Receptor	Measured Ambient Sound Levels (dBA)		Single Event Flight Pattern Sound Level (dBA) Lmax	Future Sum of Ambient plus Single Event Helicopter Flight Pattern Sound Level ^a		Calculated Increase in Noise	
	Lday	Lnight		Lday	Lnight	Lday	Lnight
AS-355							
Site A	48.2	48.2	46.7	50.5	50.5	2.3	2.3
Site B	59.1	59.1	50.1	59.6	59.6	0.5	0.5
Site C	58.7	58.7	22.4	58.7	58.7	0.0	0.0
Site 1	73.2	68.9	47.4	73.2	68.9	0.0	0.0
Site 2	71.4	66.0	19.5	71.4	66.0	0.0	0.0
Agusta A-109							
Site A	48.2	48.2	47.0	50.7	50.7	2.5	2.5
Site B	59.1	59.1	50.5	59.7	59.7	0.6	0.6
Site C	58.7	58.7	22.6	58.7	58.7	0.0	0.0
Site 1	73.2	68.9	47.6	73.2	68.9	0.0	0.0
Site 2	71.4	66.0	19.7	71.4	66.0	0.0	0.0
Sikorsky S-76							
Site A	48.2	48.2	50.8	52.7	52.7	4.5	4.5

Sensitive Receptor	Measured Ambient Sound Levels (dBA)		Single Event Flight Pattern Sound Level (dBA) Lmax	Future Sum of Ambient plus Single Event Helicopter Flight Pattern Sound Level ^a		Calculated Increase in Noise	
	Lday	Lnight		Lday	Lnight	Lday	Lnight
Site B	59.1	59.1	54.2	60.3	60.3	1.2	1.2
Site C	58.7	58.7	26.5	58.7	58.7	0.0	0.0
Site 1	73.2	68.9	51.5	73.2	69.0	0.0	0.1
Site 2	71.4	66.0	23.6	71.4	66.0	0.0	0.0

Source: SoundPLAN. Refer to **Appendix B** for model assumptions.

^a Predicted energy sum from the proposed helicopter flight pattern to the measured existing noise environment.

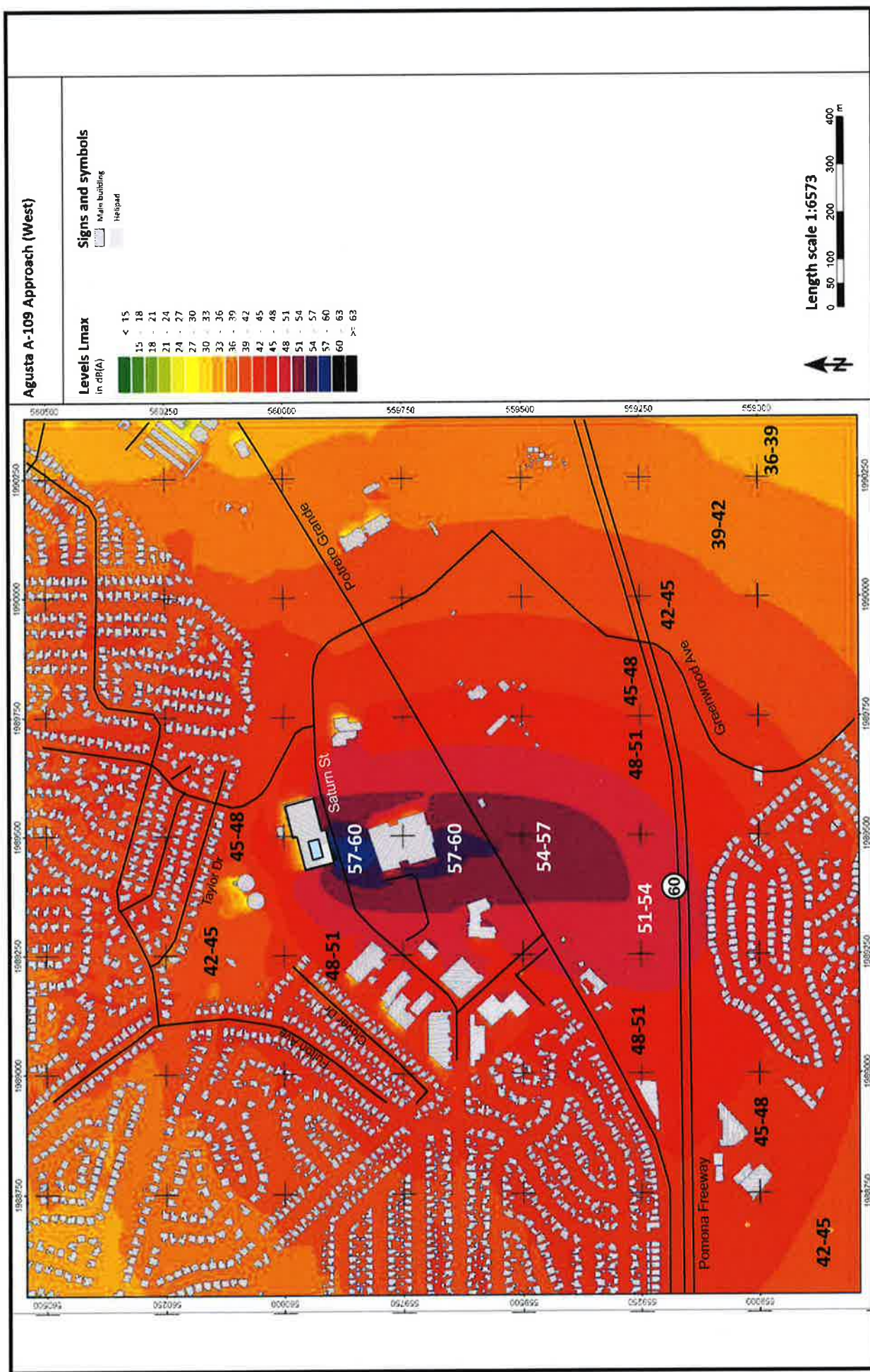
Note: 15-minute ambient measures were taken at Site A – C.



SOURCE: Meridian Consultants, LLC - March 2018

FIGURE 13

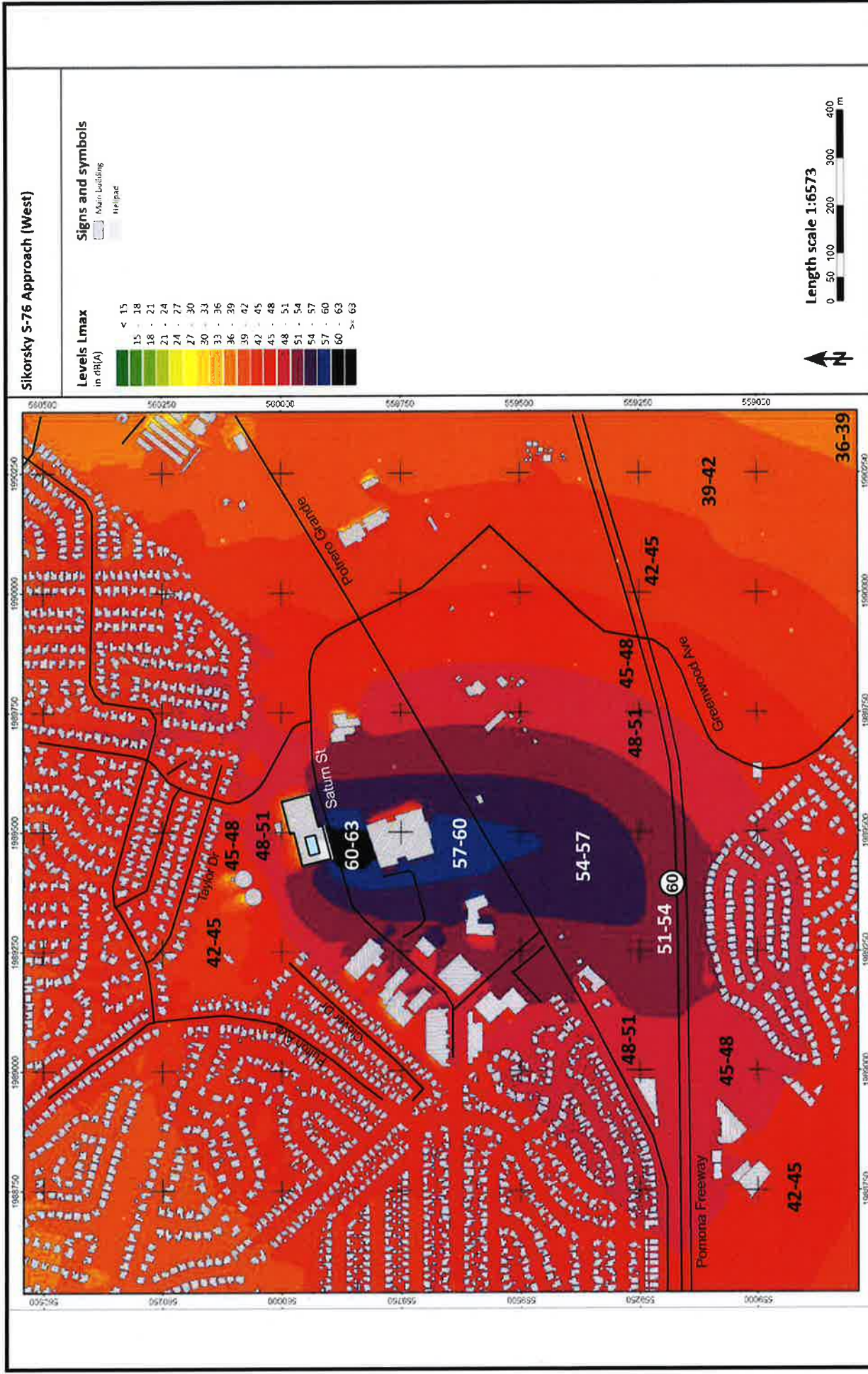
AS-355 Noise Level Contour Map—Approach from the West



SOURCE: Meridian Consultants, LLC - March 2018

FIGURE 14

Agusta A-109 Noise Level Contour Map—Approach from the West



SOURCE: Meridian Consultants, LLC - March 2018

FIGURE 15

Departure to the West

Table 11, Predicted Noise Levels of Helicopter Departure to the West, provides the predicted Lmax noise levels produced at nearby sensitive receptors while the helicopter departs to the west. The largest increase in noise would be experienced at Site A due to operation of the Sikorsky S-76 helicopter. As shown in **Figure 4**, Site A is located on Iris Way, approximately 620 feet northwest of the Project site. It is anticipated that 5 percent of helicopter operations would be from the Sikorsky S-76. Increases in noise would be due to departure path altitude of the helicopter at Site A when the helicopter is departing the helipad. Typically, this process takes approximately 60- to 90-seconds. However, as shown in **Table 11**, the helicopter departure to the west would not result in an increase in ambient noise at any of the nearby sensitive receptors and, thus, would be below the FICON-recommended 5.0 dB threshold for ambient noise less than 60 dB CNEL; the 3.0 dB threshold for ambient noise between 60 and 65 dB CNEL; and the 1.5 dB threshold for ambient noise greater than 65 dB CNEL. The results of the predictive modeling process for each type of helicopter departing the Project site to the west are shown graphically in **Figures 16–18, Noise Level Contour Map—Departure to the West**.

Table 11
Single-Event Noise Levels of Helicopter Departure to the West

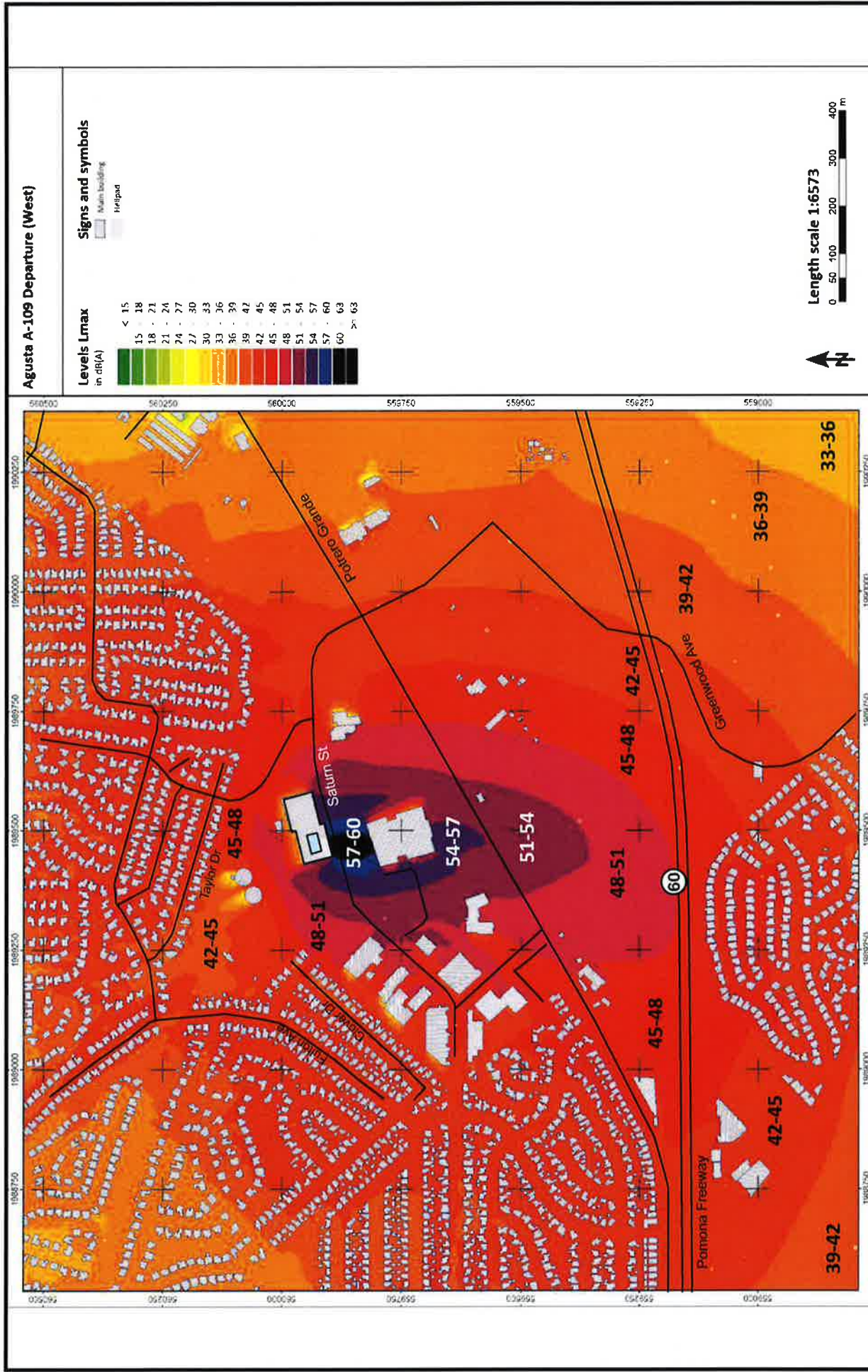
Sensitive Receptor	Measured Ambient Sound Levels (dBA)		Single Event Flight Pattern Sound Level (dBA) Lmax	Future Sum of Ambient plus Single Event Helicopter Flight Pattern Sound Level ^a		Calculated Increase in Noise	
	Lday	Lnight		Lday	Lnight	Lday	Lnight
AS-355							
Site A	48.2	48.2	48.5	51.4	51.4	3.2	3.2
Site B	59.1	59.1	52.4	59.9	59.9	0.8	0.8
Site C	58.7	58.7	23.2	58.7	58.7	0.0	0.0
Site 1	73.2	68.9	47.5	73.2	68.9	0.0	0.0
Site 2	71.4	66.0	20.3	71.4	66.0	0.0	0.0
Agusta A-109							
Site A	48.2	48.2	48.7	51.5	51.5	3.3	3.3
Site B	59.1	59.1	52.2	59.9	59.9	0.8	0.8
Site C	58.7	58.7	23.2	58.7	58.7	0.0	0.0
Site 1	73.2	68.9	47.9	73.2	68.9	0.0	0.0
Site 2	71.4	66.0	20.3	71.4	66.0	0.0	0.0
Sikorsky S-76							
Site A	48.2	48.2	50.7	52.6	52.6	4.4	4.4
Site B	59.1	59.1	56.5	61.0	61.0	1.9	1.9
Site C	58.7	58.7	26.6	58.7	58.7	0.0	0.0

Sensitive Receptor	Measured Ambient Sound Levels (dBA)		Single Event Flight Pattern Sound Level (dBA) Lmax	Future Sum of Ambient plus Single Event Helicopter Flight Pattern Sound Level ^a		Calculated Increase in Noise	
	Lday	Lnight		Lday	Lnight	Lday	Lnight
Site 1	73.2	68.9	51.3	73.2	69.0	0.0	0.1
Site 2	71.4	66.0	23.6	71.4	66.0	0.0	0.0

Source: SoundPLAN. Refer to **Appendix B** for model assumptions.

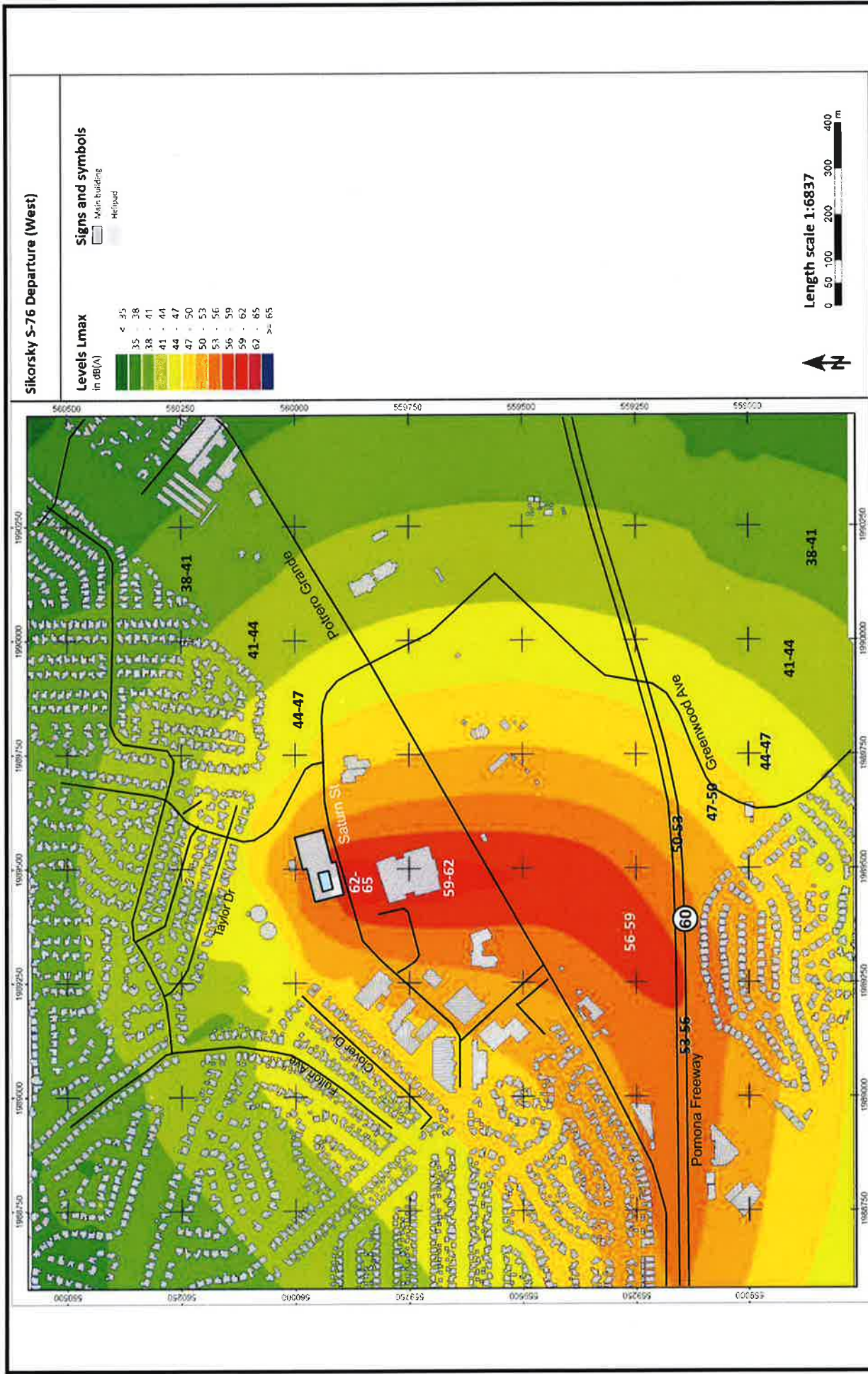
^a Predicted energy sum from the proposed helicopter flight pattern to the measured existing noise environment.

Note: 15-minute ambient measures were taken at Site A – C.



SOURCE: Meridian Consultants, LLC - March 2018

FIGURE 17



SOURCE: Meridian Consultants, LLC - March 2018

FIGURE 18

APPENDIX A

Noise Monitoring Data Sheets

Monitoring Location: Site A
Monitoring Date: 11/28/2017

Monitoring Period			
Time	LAeq	LASmax	LASmin
11:07:43	54.2	69.8	40.6
11:08:43	43.6	50.7	41.2
11:09:43	43.2	49.8	41.7
11:10:43	47.2	54.5	42.4
11:11:43	50.7	58.3	42.6
11:12:43	52.1	59.9	41.9
11:13:43	51.6	62.0	40.9
11:14:43	42.1	45.0	40.7
11:15:43	52.0	59.1	41.2
11:16:43	41.4	42.8	40.0
11:17:43	42.3	49.3	39.9
11:18:43	40.3	42.7	39.2
11:19:43	41.4	47.9	39.8
11:20:43	40.5	42.9	39.6
11:21:43	41.1	46.6	39.2
11:22:43	40.2	41.9	39.3

15-minute LAeq **48.2**

Monitoring Date: 11/30/2017

Monitoring Period			
Time	LAeq	LASmax	LASmin
11:06:33	53.6	66.3	45.8
11:07:33	44.5	48.9	42.5
11:08:33	51.0	55.6	43.4
11:09:33	46.1	51.4	43.5
11:10:33	56.7	63.4	44.4
11:11:33	56.3	62.7	44.9
11:12:33	46.7	53.2	42.6
11:13:33	60.1	66.9	43.2
11:14:33	48.4	63.4	42.1
11:15:33	43.7	45.6	42.1
11:16:33	45.4	53.7	42.3
11:17:33	44.1	47.6	42.2
11:18:33	62.7	74.1	42.6
11:19:33	48.0	58.2	42.6
11:20:33	50.5	62.8	42.8
11:21:33	57.8	61.9	58.4

15-minute LAeq **55.1**

Monitoring Location: Site B
Monitoring Date: 11/28/2017

Monitoring Period			
Time	LAeq	LASmax	LASmin
08:49:09	61.1	71.3	56.8
08:50:09	58.8	61.8	57.4
08:51:09	59.4	60.8	57.8
08:52:09	59.0	60.4	57.3
08:53:09	59.0	60.6	57.2
08:54:09	59.1	61.1	57.6
08:55:09	59.4	60.9	56.7
08:56:09	59.2	60.7	56.5
08:57:09	58.8	60.8	56.4
08:58:09	59.0	60.4	56.9
08:59:09	60.9	70.9	57.4
09:00:09	58.7	67.6	57.4
09:01:09	58.6	60.9	56.9
09:02:09	58.8	62.3	56.4
09:03:09	60.4	70.2	56.6
09:04:09	59.6	62.4	57.7

15-minute LAeq

59.4

Monitoring Date: 11/30/2017

Monitoring Period			
Time	LAeq	LASmax	LASmin
10:26:22	61.3	71.5	56.0
10:27:22	58.5	60.1	56.7
10:28:22	58.5	60.1	56.8
10:29:22	58.4	60.7	56.3
10:30:22	58.0	60.5	56.9
10:31:22	58.7	60.2	57.5
10:32:22	57.7	60.2	55.6
10:33:22	59.2	61.5	57.0
10:34:22	62.7	73.7	56.9
10:35:22	58.6	60.6	57.2
10:36:22	58.2	59.4	57.1
10:37:22	57.9	59.3	56.6
10:38:22	58.5	60.1	57.3
10:39:22	59.3	62.8	56.8
10:40:22	57.9	59.1	56.7
10:41:22	58.1	58.5	57.2

15-minute LAeq

59.1

Monitoring Location: Site 3**Monitoring Date: 11/28/2017****Monitoring Date: 11/30/2017**

Monitoring Period			
Time	LAeq	LASmax	LASmin
08:10:54	61.6	74.0	55.6
08:11:54	55.5	62.6	53.7
08:12:54	56.4	58.0	54.6
08:13:54	59.5	66.0	55.6
08:14:54	65.1	78.1	55.5
08:15:54	65.0	70.9	56.1
08:16:54	62.8	67.2	58.4
08:17:54	60.8	64.2	58.0
08:18:54	65.5	68.8	60.5
08:19:54	66.8	70.4	63.4
08:20:54	66.2	70.3	62.3
08:21:54	65.0	69.9	59.9
08:22:54	66.5	75.4	57.1
08:23:54	71.1	75.1	62.0
08:24:54	66.6	69.2	62.7
08:25:54	68.5	69.9	66.5

15-minute LAeq**65.6**

Monitoring Period			
Time	LAeq	LASmax	LASmin
11:47:17	57.7	58.9	56.7
11:48:17	57.4	59.3	55.8
11:49:17	57.4	58.4	56.2
11:50:17	64.8	70.8	57.3
11:51:17	59.0	67.5	55.9
11:52:17	57.4	58.9	56.1
11:53:17	57.4	58.3	56.4
11:54:17	57.5	58.7	56.4
11:55:17	57.9	59.9	56.8
11:56:17	57.1	58.4	56.3
11:57:17	58.0	59.3	56.4
11:58:17	58.6	59.9	57.2
11:59:17	57.3	58.8	56.3
12:00:17	57.7	58.3	56.8
12:01:17	56.8	58.6	55.4
12:02:17	57.6	58.4	56.2

15-minute LAeq**58.7**

Monitoring Location: Site 1
24-hour Noise Monitoring

Monitoring Period	Monitored Leq	Logarithmic Equivalent	Evening/Night Adjustments	
			10 dB	5 dB
Midnight	0 / 24			
am	1:00	63.1	2020589	20205886
	2:00	62.5	1779923	17799234
	3:00	63.4	2204498	22044984
	4:00	64.7	2923944	29239442
	5:00	67.6	5785028	57850278
	6:00	71.2	13296663	132966634
	7:00	74.5	28497834	284978344
	8:00	75.3	33747272	337472725
	9:00	75.1	32384889	323848886
	10:00	74.1	25721475	257214749
	11:00	73.4	22039292	220392916
	12:00	73.0	19784076	197840757
pm	1:00	73.8	23901062	239010624
	2:00	73.0	20007343	200073432
	3:00	73.3	21581861	215818613
	4:00	72.9	19481197	194811967
	5:00	72.7	18723496	187234956
	6:00	73.6	23123569	231235692
	7:00	72.6	18159384	181593837
	8:00	71.4	13667683	136676826
	9:00	70.2	10508761	105087610
	10:00	70.4	10937698	109376981
	11:00	69.0	7876086	78760856
	2300	66.9	4921491	49214912

Leq Morning Peak Hour 7:00-10:00 a.m.

75 dBA

Leq Evening Peak Hour 4:00-8:00 p.m.

73 dBA

Leq Nighttime 10:00 pm-7:00 a.m. (not adjusted)

68.9 dBA

Leq Daytime 7:00 am-10:00 p.m.

73.2 dBA

Leq 24-Hour

72 dBA

Ldn: 10 dB adjustment between 10:00 p.m. & 7:00 a.m.

76.2 dBA

CNEL: 5 dB adjustment between 7:00p.m. & 10:00 p.m., & 10 dB adjustment between 10:00 p.m. & 7:00 a.m.

77 dBA

Difference between CNEL and Ldn

CNEL - Ld: 0.3157467

Monitoring Location: Site 2
24-hour Noise Monitoring

Monitoring Period	Monitored Leq	Logarithmic Equivalent	Evening/Night Adjustments	
			10 dB	5 dB
Midnight am	0 / 24	57.4	5544268	1753252
	1:00	55.1	3249345	1027533
	2:00	64.4	27332338	8643244
	3:00	62.1	16173227	5114424
	4:00	64.0	25078080	7930385
	5:00	68.5	70975390	22444389
	6:00	70.7	117916452	37288456
	7:00	70.5	111225307	35172530
	8:00	69.7	93307168	29506317
	9:00	71.5	140990965	44585258
	10:00	69.9	98125612	31030043
	11:00	70.6	115112204	36401675
pm	12:00	69.2	83908213	26534107
	1:00	69.8	95255537	30122446
	2:00	72.4	172133350	54433345
	3:00	73.8	238511072	75423824
	4:00	74.6	288173123	91128343
	5:00	74.0	252105509	79722762
	6:00	71.9	156219319	49400886
	7:00	69.5	89653666	28350979
	8:00	68.8	76528669	24200490
	9:00	68.7	73376260	23203611
	10:00	67.1	51376476	16246668
	11:00	65.8	37699527	11921637

Leq Morning Peak Hour 7:00-10:00 a.m.

71 dBA

Leq Evening Peak Hour 4:00-8:00 p.m.

73 dBA

Leq Nighttime 10:00 pm-7:00 a.m. (not adjusted)

66.0 dBA

Leq Daytime 7:00 am-10:00 p.m.

71.4 dBA

Leq 24-Hour

70 dBA

Ldn: 10 dB adjustment between 10:00 p.m. & 7:00 a.m.

73.7 dBA

CNEL: 5 dB adjustment between 7:00p.m. & 10:00 p.m., & 10 dB adjustment between 10:00 p.m. & 7:00 a.m.

74 dBA

Difference between CNEL and Ldn

CNEL - Ldn 0.3817249

Appendix B

Noise Model Assumptions

MODEL ASSUMPTIONS

	Elevation (feet)	Distance to the Project site (feet)	Distance Along Flight Path (Feet)	Flight Path Lateral Offset Above Site (Feet)	Helicopter Flight Path Altitude at Receptor Beginning at 45' helipad		Helicopter Speed at Receptor (knots)
					Departure Path	Arrival Path	
AS-355							
Site A	350	620	269	789	20	61	10
Site B	345	2,675	2,240	260	699	456	100
Site C	285	7,475	7,791	217	1,000	1,000	116
Site 1	309	1,479	2,215	851	340	275	95
Site 2	371	3,075	3,309	1,309	846	519	110
Aquino A-109							
Site A	350	620	269	789	20	61	10
Site B	345	2,675	2,240	260	699	456	100
Site C	285	7,475	7,791	217	1,000	1,000	116
Site 1	309	1,479	2,215	851	340	275	95
Site 2	371	3,075	3,309	1,309	846	519	110
Sikorsky S-76							
Site A	350	620	269	789	20	61	10
Site B	345	2,675	2,240	260	699	456	115
Site C	285	7,475	7,791	217	1,000	1,000	130
Site 1	309	1,479	2,215	851	340	275	105
Site 2	371	3,075	3,309	1,309	846	519	125

ATTACHMENT 3

Site and floor plans

ATTACHMENT 4

MPMC § 21.32.020 and Table 21.12(A)

[Title 21 ZONING](#)[Chapter 21.32 PERMIT PROCEDURES—GENERALLY](#)**21.32.020 Conditional Use Permits.**

(A) The purposes of any conditional use permit is to ensure that the proposed use will be rendered compatible with other existing and permitted uses located in the general area of the proposed use pursuant to the satisfaction of specific conditions of approval.

(B) **Standards for Issuance.** Before any conditional use permit is granted, the applicant must show, to the satisfaction of the granting agency, the existence of the following facts:

(1) That the site is adequate in size, shape and topography for the proposed use including without limitation, any required yards, walls, fences, parking and loading facilities, landscaping, setbacks, and other development standards prescribed in this code;

(2) That the site has sufficient access to streets and highways, adequate in width and pavement type to carry the quantity and quality of traffic generated by the proposed use;

(3) That the proposed use is consistent with the General Plan and any applicable specific plan; and

(4) That the proposed use will not create unusual noise, traffic, or other conditions that may be objectionable, detrimental, or incompatible with surrounding properties or other permitted uses in the City; and

(5) That the proposed use will not have an adverse effect on the public health, safety and general welfare; and

(6) That the use applied for at the location set forth in the application is properly one authorized by conditional use permit pursuant to the Zoning Code.

(C) **Additional Conditional Use Permit Requirements.** Before the City grants a conditional use permit to a boarding house, the Planning Commission or City Council must find:

(1) Not more than four sleeping rooms may be rented.

(2) The boarding house contains no healthcare facilities similar to those found in a medical clinic.

(3) Sleeping rooms cannot be rented for periods of less than one hundred eighty (180) days.

(4) Not more than two persons are permitted to occupy one rental room.

(5) The proposed room rental meets the requirements of all applicable law including, without limitation, building, fire and health regulation requirements.

(6) One uncovered on-site parking space must be provided for each sleeping room.

(D) The requirements regarding a boarding house conditional permit do not apply to the following uses if otherwise permitted by a valid conditional use permit: congregate care facility (multiple units on one property); fraternity/sorority house; home care licensed for seven or more persons; senior housing; supportive housing licensed for seven or more persons; or transitional housing licensed for seven or more persons. (Ord. 2118 § 13, 2015; Ord. 2097 § 3, 2013)

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Monterey Park Municipal Code

[Up](#)[Previous](#)[Next](#)[Main](#)[Search](#)[Print](#)[No Frames](#)Title 21 ZONINGChapter 21.12 O-P—OFFICE PROFESSIONAL ZONE**21.12.020 Land Use Regulations.**

(A) Permitted Uses. The land uses listed in Table 21.12(A) are permitted in the O-P zone as indicated in the column adjacent to each use. Where indicated with a “P” the use is permitted. Where indicated with an “X” the use is expressly prohibited. The letter “A” indicates the use is permitted only as an accessory use. The letter “C” indicates the use is conditionally permitted subject to the approval of a conditional use permit. The letter “L” indicates the use is permitted subject to limitations described in Section 21.12.030.

(B) Every use permitted in the O-P Zone must comply with the following:

- (1) All uses must be conducted totally within a completely enclosed building.
- (2) Outdoor storage is prohibited.
- (3) Loading is prohibited in any required front, side or rear yard setback area.
- (4) Loading is prohibited in any required side or rear yard.
- (5) Overnight parking of vehicles, except those used in conjunction with a permitted use, is prohibited.
- (6) Driveways cannot exceed thirty (30) feet in width or sixty (60) percent of the lot frontage.

(7) Where an O-P zoned lot is adjacent to an R-zoned lot, no openings in any building on the O-P zoned lot shall be permitted within one hundred (100) feet of the R-zoned lot.

(8) No use is permitted which produces or causes or emits any dust, gas, smoke, glare, heat, noise, fumes, odors, electromagnetic emanations or vibrations which are or may be detrimental to the safety, welfare, health and peace of the city and its residents.

Table 21.12(A)
Permitted Uses in Office Professional
(O-P) Zone

Legend:

- A As an accessory use only
- C Permitted subject to approval of a conditional use permit
- L Permitted subject to limitations or special standards
- P Permitted
- X Expressly prohibited

Use		Provisions
Eating & Drinking Establishment		
Alcohol sales (off-sale or on-sale liquor)	L	Subject to standards set forth in § 21.12.030(A)
Café	P	
Restaurant	P	
Restaurant, fast food	P	
Retail eating establishment	P	
Outdoor dining	A	Subject to standards set forth in § 21.12.030(G)
Educational Facilities		

School, vocational or trade school	C	
Entertainment/Cultural (Other)		
Adult oriented business	C	Subject to regulations set forth in this title
Amusement or game arcade	C	
Auditorium	C	
Commercial recreation – Indoor	C	
Commercial recreation – Outdoor	C	
Drive-in or open-air theater	C	
Internet arcade	C	Subject to standards set forth in § 21.10.240
Karaoke	C	Permitted only as an accessory use to a restaurant
Race track and rodeo	C	
Stadium	C	
Manufacturing		
Assembly/light manufacturing	P	No raw materials. Assembly of prefabricated items only.
Computer assembly	P	
Draying, freighting or trucking terminal	X	
Foodstuffs—Processing, packaging and distribution	P	Except meat and fish products, sauerkraut, vinegar, yeast or the rendering or refining of fats and oils.
Garment manufacturing	P	
Heavy manufacturing	X	As defined in § 21.04.549
Manufacturing units shared by more than one independently owned business enterprise	X	
Printing, publishing, bookbinding	P	
Processing, packaging and distribution	P	
Sign manufacture, painting, fabrication, maintenance shop	P	Assembly of materials only.
Welding	X	
Wholesale bakery	P	
Wood products manufacturing	X	
Upholstering of furniture	P	Within a completely enclosed building; cannot involve furniture building.
Office		
Administrative office	P	
Data processing facility	P	
Medical office/clinic	X	
Professional offices	P	
Research and development	P	
Retail		
Major development	C	Subject to provisions set forth in §§ 21.10.220 and 21.32.010
Bakery	P	
Bakery wholesale	P	

Wholesale	L	Subject to provisions set forth in § 21.12.030(J).
Service		
Alcoholism hospital	C	
Animal hospital	P	In a completely enclosed soundproof building
Animal shelter	C	
Use		Provisions
Service (cont'd)		
Appliance repair	P	
Automobile repair	P	Conducted entirely within an enclosed building
Automobile upholstery	P	Conducted entirely within an enclosed building
Automobile parts & accessories reconditioning, repair	P	Conducted entirely within an enclosed building
Carpet cleaning	P	
Cemetery	X	
Day care center	C	
Dry cleaning or laundry facility	P	
Dry cleaning or laundry plant	P	
Emergency shelter	L	Subject to provisions set forth in § 21.12.030(B)
Fitness center (5,000 sq. ft. or less)	L	Subject to the standards set forth in § 21.12.030(C)
Fitness center (greater than 5,000 sq. ft.)	C	
Freight terminal	X	
Government or public facility	C	Except those owned or operated by the City
Hospital, including psychiatric	C	Not including medical marijuana dispensaries
Hotel	L	Subject to provisions set forth in § 21.12.030(D)
Kennel/animal boarding	L	Subject to provisions set forth in § 21.12.030(E)
Massage establishment	L	Subject to provisions set forth in § 21.12.030(F)
Newspaper distributor	C	
Parking lot/structure	L	Subject to provisions set forth in § 21.12.030(H)
Public storage (mini-storage)	C	
Public utility facility	C	Utilities operated by mutual companies or agencies and cable television except as follows: (A) Any public utility facility for which a building permit is not required pursuant to the City's building regulations; and (B) Any public utility facility which is designated as a permitted use in a specific zone
Service station	C	Subject to provisions of § 21.10.230
Tattoo parlors and body piercing shops	L	Subject to provisions set forth in § 21.12.030(I)
Towing	C	Subject to provisions of Ch. 21.32
Vehicle storage	C	Subject to provisions of Ch. 21.32
Warehousing and storage	X	
Wireless communication facility	L	Subject to the provisions set forth in Ch. 21.34
Additional Uses		

Barbed wire (includes cyclone fencing and the like)	X	Attached to a wall or fence.
Buildings exceeding height limit	C	
Commercial units shared by more than one independently owned business upon a finding of compatibility of uses.	C	Fortunetelling and sexually oriented businesses shall be deemed as incompatible with other uses, and therefore prohibited as a shared use.
Dump, inert solid fill	X	
Dump, rubbish and refuse	X	
Quarry	X	
Radio or television broadcast studio	C	
Radio or television tower and transmitter	C	
Recycling centers	C	
Refuse collection service yard	C	

(Ord. 2135 § 7, 2016; Ord. 2097 § 3, 2013)

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ATTACHMENT 5

Planning Commissioner's Handbook excerpt

The typical local zoning ordinance allows the city or county to grant a conditional use permit when the proposed use is in the interest of public convenience and necessity and is not contrary to the public health, morals, or welfare.²⁵

Common conditions on approval include limited hours of operation, road improvements, soundproofing, additional landscaping, and additional parking. A condition must bear a reasonable relationship to the public need created by the development. This should be supported by evidence on the record.²⁶ Conditions often include a requirement that the use be commenced within a reasonable time or the permit will expire.

Conditional use permits are quasi-judicial actions and require a public hearing. A decision either to grant or reject the permit must be supported by findings. The terms of the permit may be modified by the agency if the original permit so provides.²⁷ The permit is granted on the land, not to the property owner, and will remain valid even if the property changes hands. A conditional use permit may be revoked for noncompliance or other reasons cited in the permit. Notice and a hearing will be required before the permit can be revoked.²⁸

Variances

A variance is a limited waiver of zoning standards for a use that is already permitted within a zone. Variances are usually considered when the physical characteristics of a piece of property, such as size, shape, topography, location, or surroundings, pose unique challenges. For example, a very small or oddly shaped lot may need a variance from a setback or floor area ratio requirement in order to be developed.

A variance can only be granted in special cases where the strict application of zoning regulations deprives the owner of the uses enjoyed by nearby lands in the same zone. The variance should not be a grant of a special privilege. Economic hardship alone is not sufficient justification for approval of a variance. A variance may not be used to permit a land use that is not otherwise allowed in a zone, such as a heavy industrial use within a residential zone. This would require a zoning change, as there is no such thing as a “use variance.”



Questions to Ask When Considering a Conditional Use Permit:

- Is the permit consistent with the general plan?
- Is the site appropriate for the proposed use?
- Is the proposed use compatible with surrounding uses?
- If not, can mitigation measures be imposed that will make it compatible?
- Will the proposed mitigation measures address any underlying issues?
- Will the project have any environmental effects? What will those effects be? What level of environmental review is required?
- Can the proposed use adequately be served by infrastructure and other services, such as police and fire protection?

Nonconforming Uses

There are two types of nonconforming uses: illegal and legal. Legal nonconforming uses—sometimes called grandfathered uses—are uses that were in place prior to the adoption of the zoning ordinance. Such uses are generally permitted for as long as they operate. However, the use typically is not allowed to expand or be replaced if voluntarily abandoned or accidentally destroyed.²⁹ The idea is to strike a balance between the notion of fairness (the use was legitimate at the time of development) and the changed circumstances of the community (the use is no longer compatible with the character of the area).

There are a few situations where tougher regulation of legal nonconforming uses may be appropriate. A local agency may require that a legal nonconforming use terminate after a reasonable period of time. This is called amortization. The idea behind amortization is to allow the owner enough time to recoup the value of the investment in developing the property while also addressing the needs of the greater community.

²⁵ *Upton v. Gray*, 269 Cal. App. 2d 352 (1969).

²⁶ *Bank of America v. State Water Resources Control Bd.*, 42 Cal. App. 3d 198 (1974).

²⁷ *Garavatti v. Fairfax Planning Comm.*, 22 Cal. App. 3d 145 (1971).

²⁸ *Community Development Comm. v. City of Fort Bragg*, 204 Cal. App. 3d 1124 (1988).

²⁹ *Paramount Rock Co. v. County of San Diego*, 180 Cal. App. 2d 217 (1960); *City of Fontana v. Atkinson*, 212 Cal. App. 2d 499 (1963).

ATTACHMENT 6

Minutes from September 6, 2017 City Council meeting

Motion: Moved by Council Member Liang and seconded by Council Member Ing, motion carried by the following vote:

Ayes: Council Members: Ing, Liang, Chan, Lam, Real Sebastian
Noes: Council Members: None
Absent: Council Members: None
Abstain: Council Members: None

Resolution No. 11956, entitled:

A RESOLUTION OF THE MONTEREY PARK CITY COUNCIL UPHOLDING A PLANNING COMMISSION DECISION ADOPTING A SUPPLEMENTAL MITIGATED NEGATIVE DECLARATION AND A MITIGATION MONITORING AND REPORTING PROGRAM, AND APPROVING A MODIFICATION OF A CONDITIONAL USE PERMIT (CUP-17-02) AND A TENTATIVE MAP NO. 074409 (TM-17-02) FOR THE CONSTRUCTION OF A NEW MIXED-USE DEVELOPMENT AT 420 NORTH ATLANTIC BOULEVARD

5B. ORDINANCE AMENDING MONTEREY PARK MUNICIPAL CODE CHAPTER 9.06 REGULATING AIRCRAFT WITHIN THE CITY OF MONTEREY PARK; FOLLOW-UP

On August 16, 2017, the City Council considered a draft ordinance amending Monterey Park Municipal Code ("MPMC") Chapter 9.06 which governs aircraft. A copy of the staff report and accompanying documents is attached for reference.

After considering that ordinance, the City Council sought a number of changes. These are reflected in the attached amended draft ordinance. A redline copy comparing the current draft ordinance with the August 16th version is attached.

As a reminder, federal law governs all aspects of commercial aircraft including, without limitation, flight patterns and flight altitudes (49 U.S.C. § 40103). It is unlikely that the City itself can enforce any part of this ordinance. If adopted, however, the ordinance would give private parties some ability to use its regulations to seek judicial intervention.

This Item was heard with Item No. 6A.

Public Speakers:

- Margaret Leung spoke in support of the passage of the ordinance and encouraged all council members to sign the FAA letter.
- City Clerk Chang reported that written communications in support of the passage of this item were received from Sandy Chung, Anthony Law, Chris Mancinelli, Susie Chow, Loreen Soo Hoo, Autumn Huang. He also stated additional written communications for Item Nos. 5B and 6A from Rita

Valenzuela, John Chang, Joolee Gee, Siu Wong, Harriet Goshi, Alex Lo, Barbara Yamadera, Patrick Chantanusart, Veronica Domiguez, Carol and Jimmie Lim, and Alice Hao regarding passage of the FAA letter with five signatures.

Action Taken: The City Council (1) received and filed the report, and (2) introduced and waived first reading of the proposed ordinance as amended in Section 9.06.080 to read "The minimum safe altitude established by this chapter does not apply where take-off or landing is necessary for emergency situations or for public safety activities."

Motion: Moved by Mayor Real Sebastian and seconded by Council Member Liang, motion carried by the following vote:

Ayes:	Council Members:	Ing, Liang, Chan, Lam, Real Sebastian
Noes:	Council Members:	None
Absent:	Council Members:	None
Abstain:	Council Members:	None

Ordinance, first reading entitled:
AN ORDINANCE AMENDING MONTEREY PARK MUNICIPAL CODE CHAPTER 9.06 IN ITS ENTIRETY TO REGULATE AIRCRAFT WITHIN THE CITY OF MONTEREY PARK

6. NEW BUSINESS

6A. LETTER TO THE FEDERAL AVIATION ADMINISTRATION

This Item was heard with Item No. 5B.

In August, the City Council asked that the City Attorney's office draft a demand letter to the Federal Aviation Administration (FAA) regarding the overflights of commercial aircraft within the City's jurisdiction. Such action was made in concert with proposed changes to the Monterey Park Municipal Code ("MPMC") to demonstrate the City Council's resolve in reducing the impacts of such overflights.

Attached to the staff report and for City Council consideration is a draft letter to the FAA Administrator. Also included as an attachment is an overview of the legislation referenced in the letter (HR 598) and a copy of the membership page for the Quiet Skies Caucus in the United States Congress (which is copied on the draft letter).

Recommendation: (1) Receiving and filing the draft letter to the FAA Administrator; or (2) Make such changes as may be appropriate and authorize the Mayor to sign and send the draft letter to the FAA Administrator; and (3) Taking such additional, related, action that may be desirable.

ATTACHMENT 7

Pictures and site overviews

1977 Saturn Street – Site Photos







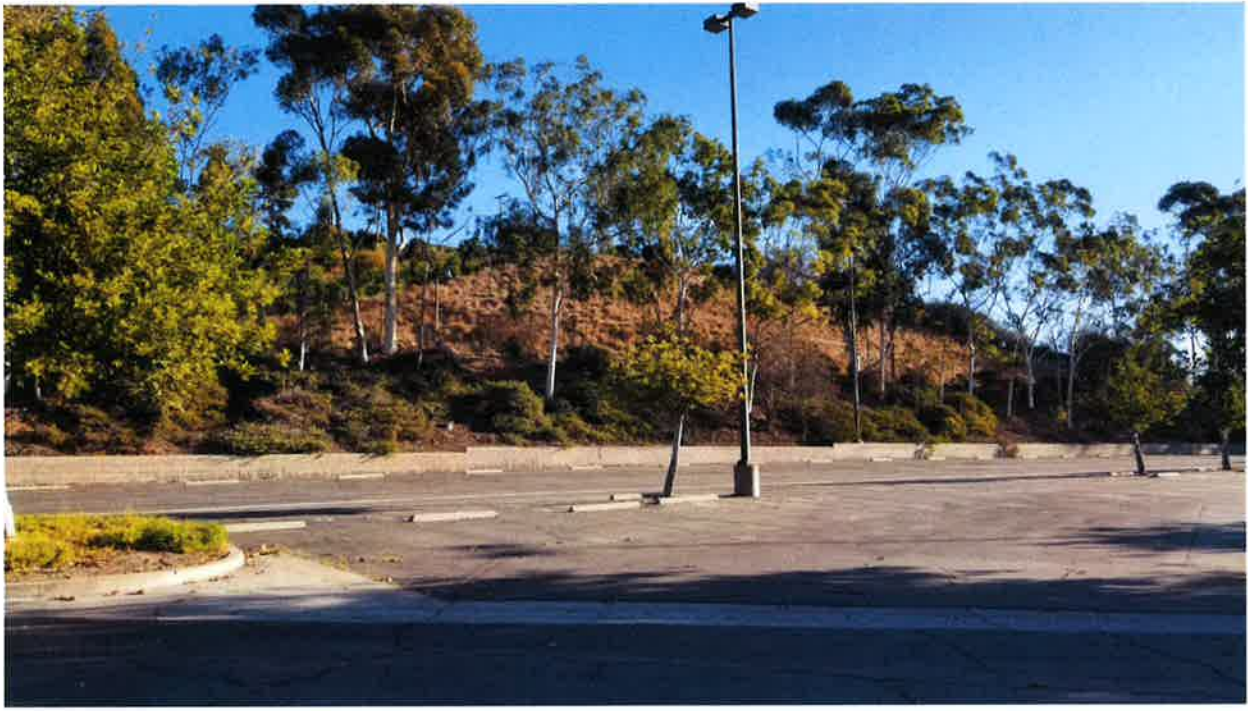








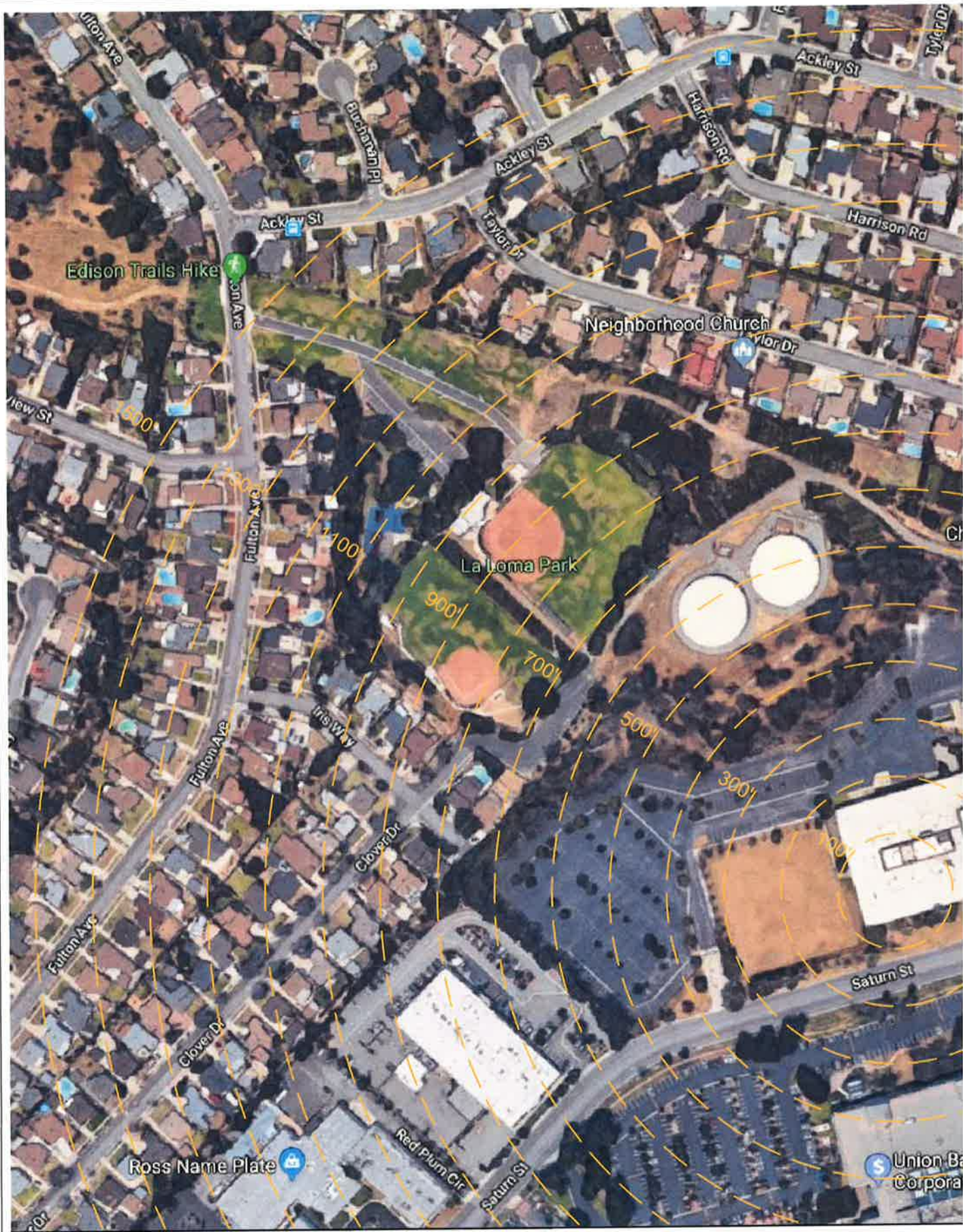












ATTACHMENT 8

Draft Resolution with Conditions of Approval

RESOLUTION NO.

A RESOLUTION APPROVING CONDITIONAL USE PERMIT (CUP-18-02) TO ALLOW FOR A HOSPITAL WITH ANCILLARY HELIPORT AT 1977 SATURN STREET

The Planning Commission of the City of Monterey Park does resolve as follows:

SECTION 1: The Planning Commission finds and declares that:

- A. On January 5, 2018, Prasad Garimella on behalf of OneLegacy ("OneLegacy"), submitted an application, pursuant to Monterey Park Municipal Code ("MPMC") §§ 21.30.050 and 21.32.020, requesting a Conditional Use Permit (CUP-18-02) to allow for a hospital with ancillary heliport at 1977 Saturn Street ("Project");
- B. The proposed Project was reviewed by the City of Monterey Park Community and Economic Development Department for, in part, consistency with the General Plan and conformity with the Monterey Park Municipal Code ("MPMC");
- C. In addition, the City reviewed the Project's environmental impacts under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, *et seq.*, the "CEQA Guidelines");
- D. The Community and Economic Development Department completed its review and scheduled a public hearing regarding the Project before the Planning Commission for February 27, 2018 and March 13, 2018;
- E. On February 27, 2018 and March 13, 2018, the Planning Commission held a public hearing to receive public testimony and other evidence regarding the proposed Project, including, without limitation, information provided to the Planning Commission by City staff and public testimony, and representatives of OneLegacy; and
- F. This Resolution and its findings are made based upon the testimony and evidence presented to the Commission at its February 27, 2018 and March 13, 2018 hearings including, without limitation, the staff report submitted by the Community and Economic Development Department.

SECTION 2: Factual Findings and Conclusions. The Planning Commission finds that the following facts exist and makes the following conclusions:

- A. The Applicant seeks to operate a hospital for organ procurement within an existing two-story office building with an ancillary heliport on the rooftop. No physical changes are proposed to the site, except for interior tenant improvement work and new front entrance to meet accessibility requirements;
- B. 1977 Saturn Street is zoned O-P (Office Professional) Zone and designated Commercial in the General Plan;
- C. According to MPMC § 21.12.020, a hospital is an allowed use subject to the approval of a conditional use permit;

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- D. The subject property is located on the north side of Saturn Street within McCaslin Park, north of Potrero Grande Drive in an area with other professional and healthcare office uses, such as laboratory, light manufacturing, and warehouse uses;
- E. Properties located to the north and east include a Southern California Edison (SCE) easement and R-1 (Single-Family Residential) zoned lots, west are R-1 zoned lots, and south are O-P (Office Professional) zoned lots and Potrero Grande Drive;
- F. The subject lot is 869,727 square feet (20 acres) in size and is currently developed with a 203,491 square foot, two-story office building constructed in 1979;
- G. There are a total of 785 at-grade parking spaces existing on the property, which will be adequate for the 350 staff members employed by the operator/applicant. The property is accessible from two existing driveways on Saturn Street;
- H. No additional building square footages or changes to the number of existing parking spaces, driveways or parking layout are proposed as part of the conditional use permit request;
- I. Short-term and long-term noise monitoring conducted by Heliplanners, Inc. near sensitive receptors at the project site represented that helicopter noise levels would not exceed the City's exterior noise standards (per Chapter 9.53 of the MPMC) and would be below the threshold ambient noise levels recommended by the Federal Interagency Committee on Noise. The noise generated by helicopter approach/departure would be similar to existing conditions and would be brief and infrequent. Furthermore, helicopter pilots would be instructed to use specified flight paths (*i.e.*, parallel to Route 60 Freeway) in order to further minimize noise impacts; and
- J. The City intends that Saturn Park continue to provide diverse business and employment opportunities, with an emphasis on businesses that employ skilled workers. OneLegacy operates the world's largest Organ Procurement Organization, has invented and developed an Electronic Donor Record and web-based organ offer system, and provides surgical training programs to local, regional and national ophthalmologic and cardiac surgeons.

SECTION 3: Environmental Assessment. The project consists of the operation, permitting, and licensing or minor alteration of existing public or private structures, facilities, and mechanical equipment. The project includes interior tenant improvement work and a new front entrance to meet accessibility requirements. The property is an existing 203,491 square feet two-story office building that was previously occupied by a financial institution for administrative purposes. The proposed use will be predominantly administrative office uses with some clinical operations. Approximately 150,000 square feet of the existing building will be utilized for administrative office purposes and the remaining 50,000 square feet of building area will be used for organ procurement. The use operations will include a heliport on the rooftop and new roof access. The roof access will be the same height as the existing two

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penthouses, which currently houses the building's mechanical equipment and existing roof access. Because of the facts identified in Section 2 of this Resolution, and the fact that the Project involves negligible or no expansion of an existing use, the Project is categorically exempt from additional environmental review pursuant to CEQA Guidelines § 15301 (Existing Facilities).

SECTION 4: Conditional Use Permit Findings. Pursuant to MPMC §§ 21.30.050 and 21.32.020, the Planning Commission finds as follows:

- A. The site is adequate in size, shape and topography for the proposed use including without limitation, any required yards, walls, fences, parking and loading facilities, landscaping, setbacks, and other development standards prescribed in this code.

The site is adequate in size, shape and topography for the proposed use in that the proposed use is a hospital for organ procurement within an existing two-story office building with an ancillary heliport on the rooftop. No physical changes are proposed to the site, except for interior tenant improvement work and new front entrance to meet accessibility requirements. No additional building square footage is proposed as part of the project.

- B. The site has sufficient access to streets and highways, adequate in width and pavement type to carry the quantity and quality of traffic generated by the proposed use.

The site has sufficient access to streets and highways, adequate in width and pavement type to carry the quantity and quality of traffic generated by the proposed use. The proposed use is a hospital within an existing two-story office building with an ancillary heliport and is not expected to significantly increase traffic. No changes are proposed to the existing parking area or driveways. The property is accessible from two existing driveways on Saturn Street. Saturn Street is identified as a minor arterial street in the General Plan Circulation Element. A minor arterial roadway provides a 64- to 68-foot curb-to-curb width within an 80- to 88-foot right-of-way. This allows for a four lane undivided roadway with a capacity up to 40,000 vehicles per day. The subject property is located in an area with other professional and healthcare office uses.

- C. The proposed use is consistent with the General Plan and any applicable specific plan.

The proposed use is consistent with the General Plan and conforms to objectives of the General Plan and the Monterey Park Municipal Code zoning regulations. The subject property is designated Commercial in the General Plan. According to the General Plan, McCaslin Park (also known as Saturn Park), is a 72-acre business park that contains some of Monterey Park's newest industrial development. Established as a cohesive business park in the 1970s and 80s, this area accommodates a range of professional office, laboratory, light manufacturing, and warehousing uses. The City intends for the Saturn Park to continue to provide diverse business and employment opportunities, with an emphasis on businesses that employ skilled workers.

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According to the applicant, OneLegacy will bring to Monterey Park the world's largest Organ Procurement Organization, with an annual revenue of \$90+ million, that heals and saves more lives through donation and transplantation than any organization of its kind. OneLegacy will bring to City the most advanced medical and software technologies that have transformed the field of donation nationally and internationally. OneLegacy has been the inventor of and leading developer of an Electronic Donor Record and Web-Based organ offer system. OneLegacy also provides surgical training in graft implantation to local, regional, and national Ophthalmologic surgeons through training programs. OneLegacy also provides similar training to cardiac surgeons in the transplantation of heart valves to benefit cardiac patients throughout the region.

- D. The proposed use will not create unusual noise, traffic, or other conditions that may be objectionable, detrimental, or incompatible with surrounding properties or other permitted uses in the City.

The proposed use, as conditioned, will not have an adverse effect on the use, enjoyment or valuation of property in the neighborhood as the conditions of approval will minimize the potential for any negative impacts. A Noise Analysis was conducted by Heliplanners, Inc. on behalf of the applicant. The Noise Analysis concludes that helicopter noise levels from approach/departure to/from the east would not exceed the City's exterior noise standards and would be below the Federal Interagency Committee on Noise (FICON) – recommended 5.0 dB threshold for ambient noise less than 60 dB CNEL, the 3.0 dB threshold for ambient noise between 60 and 65 dB CNEL, and the 1.5 dB threshold for ambient noise greater than 65 dB CNEL. Also, helicopter noise levels from approach/departure to/from the west would not exceed the City's exterior noise standards and would be below the FICON-recommends 5.0 dB threshold for ambient noise less than 60 dB CNEL, the 3.0 dB threshold for ambient noise between 60 dB CNEL, and the 1.5 dB threshold for ambient noise greater than 65 dB CNEL. The Noise Analysis identifies the flight travel path that pilots will be instructed to use to minimize noise impacts. The flight path will parallel the State Route 60 Pomona Freeway, which currently has vehicular traffic noise.

- E. The proposed use will not have an adverse effect on the public health, safety and general welfare.

The proposed use will not have an adverse effect on the public health, safety, and general welfare because conditions of approval have been incorporated to minimize and limit any potential adverse effects to neighboring properties. A Noise Analysis was conducted for the proposed ancillary heliport use. The existing ambient noise environment near the project site was determined by conducting noise measurements near sensitive receptors that would potentially be impacted by the property project. Short-term (15-minutes) and long-term (24-hour) noise monitoring was conducted. These noise levels represent day-to-day noise from sources near the project site, including vehicular traffic along local streets. The City regulates noise through Chapter

**PLANNING COMMISSION
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9.53 of the Municipal Code, which has established noise standards for stationary noise levels at various categories of land uses. According to the Noise Analysis from the approach/departure from/to the east and west, the noise generated by the helicopter approach from the east and west would be similar to existing conditions, especially considering that noise from flights would occur for a relatively short period of time and would be infrequent. At no time would helicopter flights exceed the noise thresholds as identified in the General Plan and Municipal Code.

- F. The use applied for at the location set forth in the application is properly one authorized by conditional use permit pursuant to the MPMC.

The proposed hospital with ancillary heliport is a conditionally allowed use in the O-P zone. Chapter 21.12 provides for the development of the O-P zone; hospitals within the O-P zone are permitted uses, subject to the approval of a conditional use permit. (See section 21.12.020, Table 21.12(A) and section 21.12.040.) Conditions are included in this Resolution to mitigate the effects resulting from the proposed use.

SECTION 5: Approval. Subject to the conditions listed on the attached Exhibit "A," which are incorporated into this Resolution by reference, the Planning Commission approves Conditional Use Permit (CUP-18-02).

SECTION 6: Reliance on Record. Each and every one of the findings and determinations in this Resolution are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the project. The findings and determinations constitute the independent findings and determinations of the Planning Commission in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 7: Limitations. The Planning Commission's analysis and evaluation of the project is based on the best information currently available. It is inevitable that in evaluating a project that absolute and perfect knowledge of all possible aspects of the project will not exist. One of the major limitations on analysis of the project is the Planning Commission's lack of knowledge of future events. In all instances, best efforts have been made to form accurate assumptions. Somewhat related to this are the limitations on the City's ability to solve what are in effect regional, state, and national problems and issues. The City must work within the political framework within which it exists and with the limitations inherent in that framework.

SECTION 8: Summaries of Information. All summaries of information in the findings, which precede this section, are based on the substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

SECTION 9: This Resolution will remain effective until superseded by a subsequent resolution.

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SECTION 10: A copy of this Resolution will be mailed to Prasad Garimella on behalf of OneLegacy and to any other person requesting a copy.

SECTION 11: This Resolution may be appealed within ten (10) calendar days after its adoption. All appeals must be in writing and filed with the City Clerk within this time period. Failure to file a timely written appeal will constitute a waiver of any right of appeal.

SECTION 12: Except as provided in Section 9, this Resolution is the Planning Commission's final decision and will become effective immediately upon adoption.

ADOPTED AND APPROVED this 13th day of March 2018.

Chairperson Larry Sullivan

I hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Monterey Park at the regular meeting held on the 13th day of March 2018, by the following vote of the Planning Commission:

AYES:
NOES:
ABSTAIN:
ABSENT:

Michael A. Huntley, Secretary

APPROVED AS TO FORM:
Mark D. Hensley, City Attorney

By:



Karl H. Berger,
Assistant City Attorney

PLANNING COMMISSION RESOLUTION NO.

Exhibit A

CONDITIONS OF APPROVAL

1977 SATURN STREET

In addition to all applicable provisions of the Monterey Park Municipal Code ("MPMC"), Prasad Garimella, on behalf of OneLegacy, agrees to comply with the following conditions of approval for Conditional Use Permit (CUP-18-02) ("Project Conditions").

PLANNING:

1. OneLegacy (the "Applicant") agrees to indemnify and hold the City harmless from and against any claim, action, damages, costs (including, without limitation, attorney's fees), injuries, or liability, arising from the City's approval of CUP-18-02 except for such loss or damage arising from the City's sole negligence or willful misconduct. Should the City be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out of the City approval of CUP-18-02, the Applicant agrees to defend the City (at the City's request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this section "the City" includes the City of Monterey Park's elected officials, appointed officials, officers, and employees.
2. The conditional use permit expires twelve months after its approval if the use has not commenced or if improvements are required, but construction has not commenced under a valid building permit. A total of a one year extension may be granted by the Planning Commission upon finding of good cause. An application requesting an extension must be filed with the Community and Economic Development Director, or designee.
3. The property owner is responsible for maintaining the area adjacent to the business location and the site in general, including any parkways and alleys.
4. The property must remain well maintained and free of graffiti. Failure of the applicant/property owner to remove graffiti within 24 hours written notice by the City will cause the City to abate the graffiti at the cost of the applicant/property owner.
5. A copy of the Conditions of Approval for Conditional Use Permit (CUP-18-02) must be kept on the premises of the establishment and presented to any authorized City official upon request.
6. The helicopters must follow the flight paths as specified in the Noise Analysis Technical Study to minimize any potential noise impacts attached as Exhibit "A".
7. The helicopters will be prohibited from idling on the rooftop.

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FIRE:

8. All fire conditions must be completed to the satisfaction of the Fire Chief, or designee.
9. A permit must be obtained from the Fire Department before engaging in activities, operations, practices or functions as indicated in California Fire Code (CFC) §§ 105.6 and 105.7.
10. Fire protection, including fire apparatus access roads and water supplies for fire hydrant must be installed and made serviceable before and during the time of the construction, per CFC § 501.4.
11. All fire safeguards required by California Fire Code Chapter 33 must be adhered to and maintained during the course of construction.
12. Modifications to the building automatic fire sprinkler system and fire alarm is to be under separate permit as set forth by CFC § 903 and 907.
13. An approved number or address must be provided on the building frontage in such a position as to be plainly visible and legible from the street or road fronting the property. Numbers must be minimum of 6-inch high by ½-inch stroke and be a contrasting background per CFC § 505.1.
14. Portable fire extinguishers must be installed per the CFC § 906.
15. All doors designated as exits, except for the main entrance, must be equipped with common knowledge lever type, single action hardware, unless panic hardware is specifically required per CFC § 1010.1.0.
16. Specific Building and Fire Code requirements will be based upon final determine of the occupancy classification by the Building Office based on the proposed uses.
17. The proposed heliport must comply with all provisions of the CFC § 2007, including:
 - A) The landing areas must be provided with the ability to drain and confine flammable liquids away from stairwells and exits.
 - B) A Class I standpipe must be provided on the rooftop within 150 feet of the heliport.
 - C) An approved foam protection system must be provided from the roof.
 - D) Minimum 90B:C fire extinguishers must be provided on the roof level at approved locations.

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18. If "as-built" plans are required, additional fees will be due for the review of the drawings.

POLICE:

19. Adequate lighting must be provided so the building is visible from the street during the hours of darkness.
20. If security gates are installed on the property it is recommended that an access control system such as a keypad, card reader, or electric latch retraction devices are installed at ingress and egress gates and doors in order to control and deter unwanted access onto the property.
21. It is recommended that a camera surveillance/security system be installed in the common areas of the property such as the common walkways, exterior storage areas, building perimeters, and stairwells. If a camera security system is installed the cameras should operate 24 hours a day, seven days a week. All cameras should record onto a recording medium and all recordings must be maintained in a secured and locked enclosure. It is recommended that recordings be maintained for a minimum of 30 days and made readily available for any law enforcement official who requests the recording(s) for official purposes.
22. The shrubbery on the property must be installed and maintained in such a condition to permit good visibility of the business from the street. Any shrubbery surrounding the complex must be planted and maintained where the height of the greenery would not easily conceal persons.
23. Any outside ladders leading to the rooftop must be secured to prevent unauthorized access to the roof.
24. The driveway must be constructed and maintained in such a condition that traffic is easily visible to those entering or leaving the location with a proper thoroughfare maintained in the parking lot for any necessary emergency vehicles and/or personnel at all times. The Monterey Park Police Department Traffic Bureau must be contacted for sign verbiage and posting locations. The Traffic Bureau Sergeant can be reached at (626) 307-1481.
25. The Police Department must be notified at least one hour prior to the landing or takeoff of any helicopter using the heliport.

By signing this document OneLegacy certifies that she read, understood, and agrees to the Project Conditions listed in this document.

Prasad Garimella, Chief Operations Officer,
on behalf of OneLegacy, Applicant



Planning Commission Staff Report

DATE: March 13, 2018

AGENDA ITEM NO: 3-B

TO: The Planning Commission
FROM: Michael A. Huntley, Community and Economic Development Director
SUBJECT: A Public Hearing to Consider a Conditional Use Permit (CUP-17-10) to allow a wireless telecommunications facility (Verizon) – 1909 Fulton Avenue.

RECOMMENDATION:

It is recommended that the Planning Commission consider:

- (1) Continuing the public hearing for the requested Conditional Use Permit (CUP-17-10) to a date uncertain at the applicant's request; and
- (2) Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The applicant, Lisa Desmond of Delta Groups Engineering, Inc., on behalf of Verizon Wireless SMSA LP, is requesting a continuance of the public hearing regarding Conditional Use Permit (CU-17-01) to allow for additional time to conduct outreach and further refine the application materials prior to any public hearing. Staff understands that Verizon is working diligently on providing the additional information to the City so that the project can be brought back to the Planning Commission in a timely manner.

Respectfully submitted,

Michael A. Huntley
Community and Economic
Development Director

Prepared by:

Samantha Tewasart
Senior Planner

Reviewed by:

Karl H. Berger
Assistant City Attorney

Attachments:

Attachment 1: Applicant Continuation Request Letter, dated March 1, 2018

ATTACHMENT 1

Applicant Continuation Request Letter, dated March 1, 2018



Delta Groups Engineering, Inc.

2362 McGaw Avenue, Irvine, CA92614

Tel.: (949) 622-0333 Fax: (949) 622-0331

March 1, 2018

City of Monterey Park
Attn: Ms. Samantha Tewasart
320 West Newmark Avenue
Monterey Park, CA 91754

Subject: Verizon Wireless "Kempton" Communications Facility
1909 Fulton Avenue
Monterey Park, CA 91755

Re: Request for Continuance

Dear Ms. Tewasart,

On behalf of Verizon, I respectfully request that the above-referenced Verizon project proposed for development in the city of Monterey Park at 1909 Fulton Avenue, and that has been slated for Public Hearing before the Planning Commission on Tuesday, March 13, 2018, be continued to a date uncertain. This continuance will afford Verizon the opportunity to conduct community outreach and further refine our application materials prior to any public hearing, as discussed during our meeting on Tuesday, February 27, 2018 at City Hall.

It is our goal to address these matters in a timely manner and to be able to bring the case before the Planning Commission at a hearing date possibly as early as April. We have requested that a Tolling Agreement be drafted by Verizon legal counsel and entered into between the parties in order to toll the FCC Shot Clock while we address these matters.

Please acknowledge receipt of this letter and agreement on the part of the city to continue this matter as requested. We look forward to continuing to work with you on this case. Should you have any questions concerning this request, please do not hesitate to contact Lisa Desmond at (951)264-0866. You may also reach me at (949)307-6575.

Thank you.

Respectfully,

A handwritten signature in black ink, appearing to read "William C. Desmond", written in a cursive style.

William C. Desmond
Vice President



Planning Commission Staff Report

DATE: March 13, 2018

AGENDA ITEM NO: 3-C

TO: The Planning Commission
FROM: Michael A. Huntley, Community and Economic Development Director
SUBJECT: A Public Hearing to consider Tentative Map No. 82024 (TM-18-02) to allow the subdivision of air-rights to establish and maintain a 3-unit residential development – 217 North Nicholson Avenue.

RECOMMENDATION:

It is recommended that the Planning Commission consider:

- (1) Opening the public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) Adopting the Resolution approving Tentative Map No. 82024 (TM-18-02) subject to conditions of approval; and
- (5) Taking such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act)

The Project is categorically exempt from additional environmental review pursuant to CEQA Guidelines § 15315 as a Class 15 categorical exemption (Minor Land Divisions) in that the project consists of the subdivision of air-rights to establish and maintain a 3-unit residential development. The division is in conformance with the General Plan and zoning in that the subject property is zoned R-3 (High Density Residential) and designated High Density Residential in the General Plan Land Use Element. The parcel was not involved in a division of a larger parcel within the previous 2 years.

EXECUTIVE SUMMARY:

The applicant, Angus Lin, seeks a Tentative Map to subdivide air rights to develop a 3-unit condominium project at 217 North Nicholson Avenue ("Project Site").

The R-3 (High Density Residential) zone allows for a density up to 4 units; the applicant is proposing to construct 4 units. The proposed project meets the zoning regulations and development standards. The High Density Residential land use allows for a broad range of dwelling unit types which may be attached or detached. The residential units consist typically of apartments, condominiums, and townhomes built at a maximum density of 25 units per acre.

North Nicholson Avenue is completely developed with multi-unit residential developments constructed from the 1990s to the 2000s. The subject property is the only remaining lot currently developed with three older detached residential dwelling units constructed during the 1940s.

Property Description

The property is located at the mid-block of North Nicholson Avenue, between East Emerson Avenue and East Garvey Avenue. The property is zoned R-3 (High Density Residential) and designated High Density Residential in the General Plan. To the north, south, east, and west are R-3 zoned lots. The subject site has a frontage of 50 feet and a depth of 273.33 feet, with a total lot area of 13,667 square feet in size.

Project Description

The property will remain as one lot. Under California law, a tentative map is required to subdivide air space for separate ownership of each of the units.

The Units 1 and 2 will have 3 bedrooms and Unit 3 will have 4 bedrooms. The 3 units will range in size from 1,667 square feet and 1,937 square feet. The proposed buildings on the site will meet the required front and rear setback of 25 feet, a 15-foot street side setback for the first floor, 25-foot street side setback for the second floor, a 5-foot interior side setback for the first floor, and a 10-foot interior side setback for the second floor. Each unit will be two stories, with a maximum height of 25 feet 6 inches. A clearance of at least 12 feet will be provided between the buildings.

Pursuant to Monterey Park Municipal Code (MPMC) § 21.22.050, condominium units with 3 or fewer bedrooms require 2 enclosed garage spaces, plus 1 guest parking per 2 dwelling units, and four or more bedrooms require 2 enclosed garage spaces, plus 1 guest parking per dwelling unit. Overall, 8 enclosed garage spaces and 2 guest parking spaces are required and will be provided. According to the site plan, each unit will be provided with a two-car garage. The driveway has a width of 18 feet, and each parking space has a back-up space of 25 feet. Each enclosed parking space is required to have a minimum width of 9 feet, and a minimum depth of 19 feet.

Per the MPMC, the project is required to provide a minimum of 400 square feet of common open space, and a minimum of 250 square feet of private open space per unit. According to the site plan, the project will include 1,250 square feet of common open space throughout the property, and each unit will be provided with private open spaces with ranging from 256 square feet to 290 square feet. The common open space area will be regulated by CC&Rs and maintained by a Homeowner's Association.

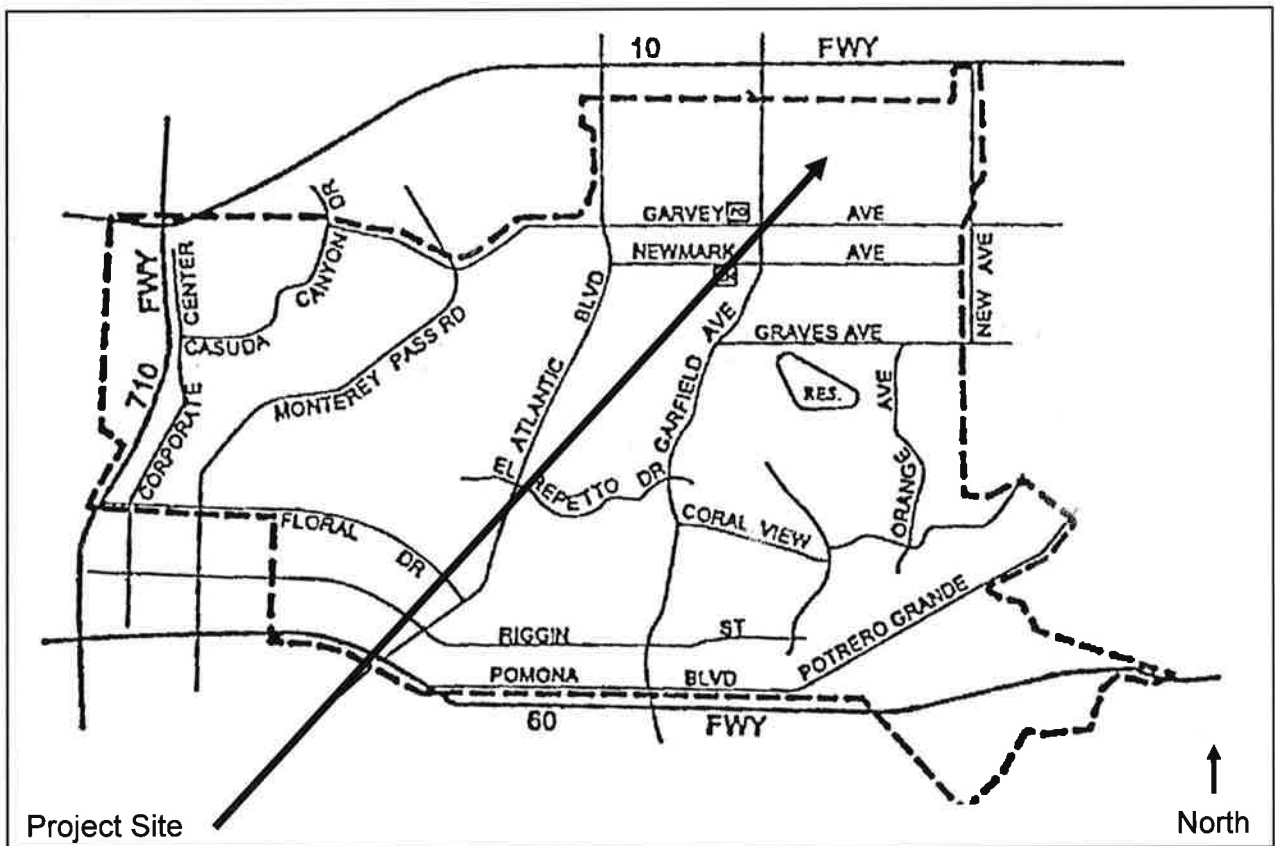
The project is in compliance with R-3 development standards. Subsequent to Planning Commission review, the project design must be reviewed and approved by the Design Review Board.

OTHER ITEMS:

Legal Notification

The legal notice of this hearing was posted at the subject site, City Hall, Monterey Park Bruggemeyer Library, and Langley Center on **February 16, 2018** and published in the Wave on **February 22, 2018**, with affidavits of posting on file. The legal notice of this hearing was mailed to **166** property owners within a 300 feet radius and current tenants of the property concerned on **February 16, 2018**.

Vicinity Map



Street Map



Aerial Map



ALTERNATIVE COMMISSION CONSIDERATIONS:

None.

FISCAL IMPACT:

There may be an increase in sales tax revenue and business license tax revenue. Calculations of the exact amount would be speculative.

Respectfully submitted,



Michael A. Huntley
Community and Economic
Development Director

Prepared by:



Samantha Tewasart
Senior Planner

Reviewed by:



Karl H. Berger
Assistant City Attorney

Attachments:

Attachment 1: Draft Resolution

Attachment 2: Tentative Map No. 82024

ATTACHMENT 1

Draft Resolution

RESOLUTION NO.

A RESOLUTION APPROVING TENTATIVE MAP NO. 82024 (TM-18-02) TO SUBDIVIDE AIR RIGHTS FOR A THREE-UNIT RESIDENTIAL CONDOMINIUM DEVELOPMENT AT 217 NORTH NICHOLSON AVENUE.

The Planning Commission of the City of Monterey Park does resolve as follows:

SECTION 1: The Planning Commission finds and declares that:

- A. On January 2, 2018, Angus Lin, submitted an application pursuant to Title 20 of the Monterey Park Municipal Code ("MPMC") requesting approval of Tentative Map No. 82024 (TM-18-02) to subdivide air rights to establish and maintain a 3-unit condominium project at 217 North Nicholson Avenue ("Project");
- B. The proposed Project was reviewed by the Community and Economic Development Department for, in part, consistency with the General Plan and conformity with the MPMC;
- C. In addition, the City reviewed the Project's environmental impacts under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, *et seq.*, the "CEQA Guidelines");
- D. The Community and Economic Development Department completed its review and scheduled a public hearing regarding the proposed Project, before the Planning Commission for March 13, 2018. Notice of the public hearing on the proposed Project was posted and mailed as required by the MPMC;
- E. On March 13, 2018, the Planning Commission held a public hearing to receive public testimony and other evidence regarding the proposed Project including, without limitation, information provided to the Planning Commission by City staff and public testimony, and representatives of the Applicant; and
- F. This Resolution and its findings are made based upon the testimony and evidence presented to the Commission at its March 13, 2018 hearing including, without limitation, the staff report submitted by the Community and Economic Development Department.

SECTION 2: *Factual Findings and Conclusions.* The Planning Commission finds that the following facts exist and makes the following conclusions:

- A. The project consists of the division of property in an urbanized area zoned for residential use into four or fewer parcels. The Applicant seeks to construct 3 new residential dwelling units and subdivide the air rights for condominium purposes;
- B. 217 North Nicholson Avenue is zoned R-3 (High Density Residential) and designated High Density Residential in the General Plan. The High Density

**PLANNING COMMISSION
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Residential category allows a broad range of dwelling unit types which may be attached or detached. The residential units consist typically of apartments, condominiums, and townhomes;

- C. The project site is located at the mid-block of North Nicholson Avenue, between East Newmark Avenue and East Garvey Avenue. The properties located to the north, south, east, and west are R-3 zoned lots;
- D. The project site is rectangular shaped, relatively flat, has a frontage of 50 feet, and total lot area of 13,667 square feet (0.31 acres) in area and is currently developed with 3 older detached residential dwelling units;
- E. The proposed subdivision does not require any variances or exceptions;
- F. The proposed subdivision will provide required access and services to each subdivided lot;
- G. The subject property has not been involved in a division of a larger parcel within the previous two years;
- H. The subject property does not have an average slope greater than 20 percent; and
- I. There are no public easements for access within the proposed development.

SECTION 3: *Environmental Assessment.* Because of the facts identified in Section 2 of this Resolution, the Project is categorically exempt from additional environmental review pursuant to CEQA Guidelines § 15315 as a Class 15 categorical exemption (Minor Land Divisions).

SECTION 4: *Tentative Map Findings.* The Commission finds as follows pursuant to Government Code § 66474 and MPMC Title 20:

- A. The proposed tentative map is consistent with applicable general and specific plans as required by Government Code § 66473.5. The tentative map for this project would allow two condominium units to be constructed on the site. This is less than the maximum density of 25 dwelling units per acre for this site. Consequently, the project complies with the General Plan. The property is located on North Nicholson Avenue, a local street with a 50-foot right-of-way, which is adequate in size and capacity to accommodate the anticipated traffic that will be generated by the proposed development. There is no specific plan adopted for this area.
- B. The design or improvement of the proposed subdivision is consistent with applicable general and specific plans. The design of the proposed subdivision is consistent with the General Plan in that the project is a 3-unit condominium

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project, which is compatible with the high density housing either attached or detached allowed in the high density residential category. There is no specific plan adopted for this area.

- C. The site is physically suitable for the type of development and the proposed density of the development. The size of the property is 13,667 square feet (0.31 acres) and adequate in size to accommodate a 4-unit condominium project because in the R-3 Zone, one dwelling unit is allowed for every 3,000 square feet of lot area on lots of 7,000 square feet or more and having a front lot line of at least 50 feet.
- D. The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The subject property is bordered by residentially developed lots to the north, south, east, and west. There are no rare plants, wild animals nor cultural, historical or scenic aspects within the surrounding area.
- E. The design of the subdivision or the type of improvements is not likely to cause serious public health problems. The proposed subdivision will not cause any public health problems in that the subject development will be constructed according to all City, State, and Federal regulations and specifications.
- F. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within proposed subdivision. There are no public easements for access within the proposed development.

SECTION 5: *Approval.* Subject to the conditions listed on the attached Exhibit "A," which are incorporated into this Resolution by reference, the Planning Commission approves Tentative Map No. 82024 (TM-18-02).

SECTION 6: *Reliance on Record.* Each and every one of the findings and determinations in this Resolution are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the project. The findings and determinations constitute the independent findings and determinations of the Planning Commission in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 7: *Limitations.* The Planning Commission's analysis and evaluation of the project is based on the best information currently available. It is inevitable that in evaluating a project that absolute and perfect knowledge of all possible aspects of the project will not exist. One of the major limitations on analysis of the project is the Planning Commission's lack of knowledge of future events. In all instances, best efforts have been made to form accurate assumptions. Somewhat related to this are the limitations on the City's ability to solve what are

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in effect regional, state, and national problems and issues. The City must work within the political framework within which it exists and with the limitations inherent in that framework.

SECTION 8: *Summaries of Information.* All summaries of information in the findings, which precede this section, are based on the substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

SECTION 9: This Resolution will remain effective until superseded by a subsequent resolution.

SECTION 10: A copy of this Resolution will be mailed to the Applicant and to any other person requesting a copy.

SECTION 11: This Resolution may be appealed within ten (10) calendar days after its adoption. All appeals must be in writing and filed with the City Clerk within this time period. Failure to file a timely written appeal will constitute a waiver of any right of appeal.

SECTION 12: Except as provided in Section 11, this Resolution is the Planning Commission's final decision and will become effective immediately upon adoption.

ADOPTED AND APPROVED this 13th day of March 2018.

Chairperson Larry Sullivan

I hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Monterey Park at the regular meeting held on the 13th day of March 2018, by the following vote of the Planning Commission:

AYES:
NOES:
ABSTAIN:
ABSENT:

Michael A. Huntley, Secretary

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APPROVED AS TO FORM:
Mark D. Hensley, City Attorney

By:



Karl H. Berger
Assistant City Attorney

PLANNING COMMISSION RESOLUTION NO.

Exhibit A

CONDITIONS OF APPROVAL

217 NORTH NICHOLSON AVENUE

In addition to all applicable provisions of the Monterey Park Municipal Code ("MPMC"), Angus Lin agrees that he will comply with the following conditions for approval of Tentative Map No. 82024 (TM-18-02) ("Project Conditions").

PLANNING:

1. Angus Lin (the "Applicant"), agrees to indemnify and hold the City harmless from and against any claim, action, damages, costs (including, without limitation, attorney's fees), injuries, or liability, arising from the City's approval of TM-18-02 except for such loss or damage arising from the City's sole negligence or willful misconduct. Should the City be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out of the City approval of TM-18-02, the Applicant agrees to defend the City (at the City's request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this section "the City" includes the City of Monterey Park's elected officials, appointed officials, officers, and employees.
2. This approval is for the project as shown on the plans reviewed and approved by the Planning Commission and on file. Before the City issues a building permit, the Applicant must submit plans, showing that the project substantially complies with the plans and conditions of approval on file with the Planning and Building and Safety Division. Any subsequent modification must be referred to the Director of Community and Economic Development for a determination regarding the need for Planning Commission review and approval of the proposed modification.
3. The tentative map expires twenty-four months after its approval if the use has not commenced or if improvements are required, but construction has not commenced under a valid building permit. A total of three, one year, extensions may be granted by the Planning Commission upon finding of good cause. An application requesting an extension must be filed with the Community and Economic Development Department.
4. All conditions of approval must be listed on the plans submitted for plan check and on the plans for which a building permit is issued.
5. Before building permits are issued, the applicant must obtain all the necessary approvals, licenses and permits and pay all the appropriate fees as required by the City.

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6. The real property subject to TM-18-02 must remain well-maintained and free of graffiti.
7. Building permits are required for any interior tenant improvements.
8. Landscaping/irrigation must be maintained in good condition at all times.
9. A final map must be approved and recorded before the City issues a certificate of occupancy.
10. All enclosed garage spaces must be used for off-street parking only. There cannot be any personal storage or conversion of this space that would prevent the parking of vehicles in the enclosed garage. This condition must be included in the conditions, covenants and restrictions ("CC&Rs") recorded for this property.

BUILDING:

11. The second sheet of the building plans must list all City of Monterey Park conditions of approval.
12. A building permit does not permit excavations to encroach into adjacent properties. Requirements for protection of adjacent properties are defined in Civil Code § 832.
13. The site plan must indicate the proposed path of building sewer, size of sewer line, location of cleanouts, and the invert elevation of the lateral at the property line.
14. A soils and geology report is required as part of plan check submittal.
15. Before the City issues a building permit, the applicant must obtain a permit from CAL-OSHA to construct the project.
16. The applicant must submit a compaction report for demolition of previous buildings to the Monterey Park Public Works Department for approval before the City allows the applicant to excavate new foundations.

ENGINEERING:

17. Under the Los Angeles County Municipal "National Pollutant Discharge Elimination System (NPDES) Permit," which the City of Monterey Park is a permittee; this project involves the distribution of soils by grading, clearing and/or excavation. The applicant/property owner is required to obtain a "General Construction Activity Storm Water" Permit, and the City of Monterey Park will condition a grading permit on evidence of compliance with this permit and its requirements. Compliance information is available in the office of the City Engineer. Upon approval of the NPDES document by the City, the

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applicant/property owner must submit an electronic copy of the approved NPDES file, including site drawings, before the City issues a building or grading permit.

18. The applicant must record the Final Map after the City approves the final map in accordance with the MPMC and accepts any applicable bonds or agreements. A refundable \$187 cash deposit must be submitted to guarantee that developer will provide the City with one (1) transparent 4 mil thick mylar tracing, one (1) electronic file of approved final map tracings transferable to City's AutoCAD and GIS systems and two (2) blueprints of the recorded map which must be filed with the City Engineer within three (3) months of recordation. If recorded copy is not submitted by the end of the three-month time period, developer will forfeit the \$187 cash deposit.
19. The applicant/property owner must provide written proof that there are no liens against the subdivision for unpaid taxes or special assessments and submit Los Angeles County tax bill, tax payment receipt, and copy of cancelled check before filing a Final Map with the City for approval.
20. Applicant agrees to pay City any development impact fees ("DIFs") that may be applicable to the Project. Applicant takes notice pursuant to Government Code § 66020(d) that City is imposing the DIFs upon the Project in accordance with the Mitigation Fee Act (Government Code § 66000, *et seq.*). Applicant is informed that it may protest DIFs in accordance with Government Code § 66020.
21. A homeowner's association must be established.
22. Covenants Conditions & Restrictions must be prepared and filed with the City to obtain City Attorney and the City Engineer approval. Developer/owner is responsible for securing the CC&R guidelines from the Office of the City Engineer. A copy of the recorded CC&Rs must be submitted before final inspection and clearance of the building permit. The applicant must pay for the City's costs associated with reviewing the CC&Rs including, without limitation, legal costs.
23. All improvement plans, including grading and public improvement plans must be based upon City approved criteria. Benchmark references to be obtained from the Engineering Division.
24. A water plan must be submitted for review and approval by the City Engineer. This plan must substantiate adequate water service for domestic flow, fire flow and identify backflow prevention. If current fire flow and pressure tests are not available to substantiate adequate pressure and flow to serve the development, the developer is responsible for conducting the appropriate tests and submitting copies of the test results for review and ultimate approval by the City.
25. Water Division requirements are to be determined upon completion and submittal of a water meter sizing sheet by the applicant. This may include up sizing of

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water meter and water services. All upgrading costs are the responsibility of the property owner.

26. The applicant must provide survey monuments denoting the new property boundaries and lot lines to the satisfaction of the City Engineer. All maps must be prepared from a field survey. Compiled maps are not permitted unless prior approval is granted by the City Engineer. Whenever possible, lot lines must be located to coincide with the top of all man-made slopes. Any deviation from this requirement must be approved by the City Engineer.
27. The applicant must provide a site drainage plan for review and approval by the City Engineer. The property drainage must be designed so that the property drains to the public street or in a manner otherwise acceptable to the City Engineer. Drainage from contiguous properties cannot be blocked and must be accommodated to the satisfaction of the City Engineer. A hydrology and hydraulic study of the site may be required for submittal to the City Engineer for review and approval.
28. All storm drainage facilities serving the development must accommodate a 50 year storm. If existing storm drain facilities are inadequate they must be enlarged as necessary. All storm drain facilities must be designed and constructed to Los Angeles County Department of Public Works standards and specifications and also the satisfaction of the City Engineer before approving grading and drainage plans.
29. Any damage done to existing street improvements and utilities during construction must be repaired before the City issues certificates of occupancy. Pre-existing damaged, deteriorated, substandard or off-grade curb, gutter, driveways and sidewalk must be repaired or replaced to the satisfaction of the City Engineer.
30. All public works improvements must comply with the standards and specifications of the City and to the satisfaction of the City Engineer. All public works improvements must be completed and accepted by the City or a public works improvement guarantee and agreement posted before final map approved by the City Council.
31. All electric, telephone and cable TV utility services must be installed fully underground and to required City standards. Satisfactory provisions for all other utilities and service connections, including water, sewer and gas, shall be made to City and public utility standards. A utility plan must be prepared and submitted showing all existing and proposed utilities. The utilities may be shown on either a separate plan or on the proposed site plan.
32. A sewer study must be provided to demonstrate that the new development does not negatively impact the existing sewer system. If the existing sewer does not have adequate capacity to serve the development, the developer will be

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responsible for upgrading the sewer main as necessary in the public right-of-way. A sewer connection reconstruction fee will be assessed at the time the City issues a building permit in accordance with MPMC Chapter 14.06.

33. All buildings must have roof gutters and all roof drainage must be conducted to the public street or an approved drainage facility in a manner approved by the City Engineer.
34. The grading and drainage plan and street improvement plan must be submitted by the first plan check. The street improvement plan must include the removal and reconstruction of the sidewalk, driveway approach, and curb and gutter along the entire property frontage. It must also include asphalt pavement removal and replacement to the centerline of the street.
35. Parkways must be irrigated and landscaped per plans submitted for review and approval by the City Engineer. The need for preserving existing street trees and/or providing additional street trees must be reviewed and approved by the City Recreation and Parks Department.
36. The City may restrict driveway access to and from the project in the event that future traffic conditions warrant such restricted turn movements.
37. Automatic irrigation system controllers for landscaping must be weather- or soil moisture-based controllers that automatically adjust irrigation in response to conditions change.
38. Weather-based controllers without integral rain sensors or communication systems that account for local rainfall must have a separate wired or wireless rain sensor which connects or communicates with the controller(s). Soil moisture-based controllers are not required to have rain sensor input.

FIRE:

39. All conditions identified by the Fire Department are subject to the review and approval of the Fire Chief for determination of applicability and extent to which any condition may be required.
40. All structures must be fully sprinklered per NFPA (National Fire Protection Association) 13D and local amendments.
41. A minimum number of fire hydrants must be provided such that all points of all structures are within 600 feet of the structure. Show all existing and proposed fire hydrants on the site plan, per California Fire Code (CFC) Appendix C.
42. The front 150 feet of the driveway must be deemed a fire lane. The minimum width must be 20 feet. Appropriate signage must be provided. The fire lane must be shown on the plan submittal, per CFC § 503.1.

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43. Address numbers must be provided on the street curb. Numerals must be 4 inches in height, two and one-half inches in width with a stroke width of approximately three-fourths inch. The house number must be centered on a six-inch by sixteen-inch rectangular background per MPMC § 13.17.050.

POLICE:

44. Adequate exterior lighting must be provided so that the units are visible from the street during the hours of darkness.
45. The shrubbery on the property must be installed and maintained in such condition to permit good visibility of the units from the streets. Any shrubbery surrounding the complex and in the courtyard areas must be planted and maintained where the height of the greenery would not easily conceal persons.
46. The driveway leading into the complex must be constructed and maintained in such a condition that traffic is easily visible to those entering or leaving the location.
47. Any outside ladders leading to the roof top must be secured to prevent unauthorized access to the roof.
48. Address number must be illuminated during hours of darkness and positioned as to be readily readable from the street.
49. Each distinct unit within the building must have its address displayed on or directly above both the front and rear doors.
50. All common open areas must be well lit during the hours of darkness.
51. Signs must be posted at the guest parking areas and in the driveway leading into the complex.
52. A thoroughfare for residents, guests, and any necessary emergency vehicles and/or personnel must be maintained at all times. The Monterey Park Police Department Traffic Bureau must be contacted for sign verbiage and posting locations. The Traffic Bureau Sergeant can be reached at (626) 307-1481.

By signing this document, Angus Lin, certifies that the Applicant read, understood, and agrees to the Project Conditions listed in this document.

Angus Lin, Applicant

ATTACHMENT 2

Tentative Map No. 82024



Planning Commission Staff Report

DATE: March 13, 2018

AGENDA ITEM NO: 3-D

TO: The Planning Commission
FROM: Michael A. Huntley, Community and Economic Development Director
SUBJECT: A Public Hearing to Consider a Conditional Use Permit (CU-17-14) to allow a massage establishment – 109 Sierra Vista Street.

RECOMMENDATION:

It is recommended that the Planning Commission consider:

- (1) Opening the public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) Adopting the Resolution approving the requested Conditional Use Permit (CUP-17-14), subject to conditions of approval contained therein; and
- (5) Take such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act)

The proposed project is categorically exempt from the provision of the California Environmental Quality Act (CEQA) per State CEQA guidelines CEQA Guidelines § 15301 (Class 1 – Existing Facilities), because the project consist of the operation and licensing of an existing establishment.

EXECUTIVE SUMMARY:

The applicant, Ms. Ping Hua Wu, is requesting approval of a Conditional Use Permit to allow a massage establishment at 109 Sierra Vista Street. The property is zoned C-S, P-D (Commercial Service, Planned Development) and is designated MU-II (Mixed-Use II) in the General Plan.

Staff is recommending approval of the Conditional Use Permit (CUP-17-14) subject to the conditions contained in the Resolution to address any concerns that are typically associated with a massage use. The subject property is located adjacent to a retail poultry store and convenience store that generates regular foot traffic, which helps to minimize concerns regarding safety and security.

BACKGROUND:

The subject property is located at the northwest corner of the East Garvey Avenue and North Sierra Vista Street. The subject lot is 5,588 square feet (0.13 acres) in size and is developed with a 1,534 square feet one-story commercial building situated at the front portion of the lot with parking located west, behind the building. The building was previously occupied by a laundromat. Properties located to the north, south, east, and west are also zoned C-S, P-D (High Density Residential, Planned Development). There are a total of 8 at-grade parking spaces. The property is accessible from East Garvey Avenue and North Sierra Vista Street.

Project Description

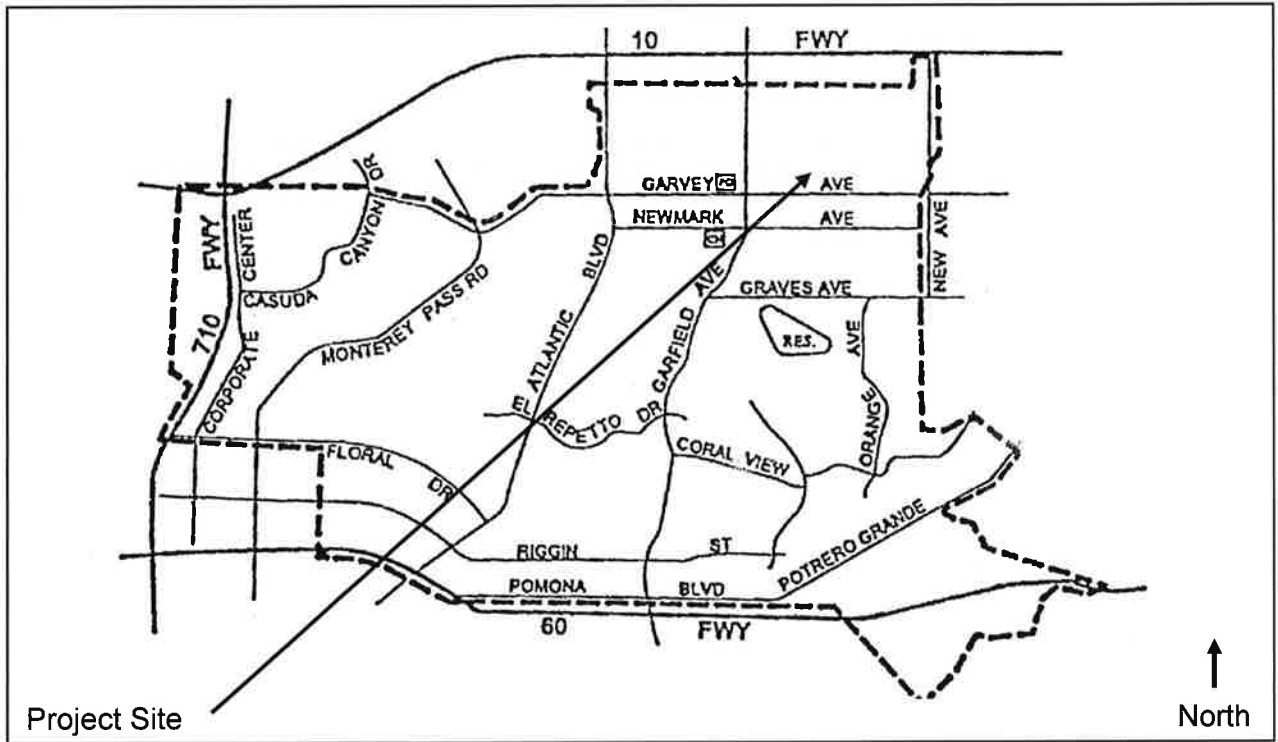
According to the floor plan, the subject unit is 1,534 square feet. The tenant space will have a reception area; six massage rooms; separate changing and restrooms for men and women; an office; employee lounge; and storage/utility room. The business operating hours will be Monday through Sunday from 9:00 a.m. to 10:00 p.m. The business owner currently operates a massage business in a different city and will be relocating her business to Monterey Park.

According to MPMC § 21.12.030, a massage establishment requires a conditional use permit and must comply with regulations set forth in MPMC Chapter 5.28. According to MPMC § 5.28.110, a massage business must comply with a list of specified requirements. Some of the requirements include minimum lighting, ventilation, and restroom to be provided in accordance with the California Building Code. The Police Department included condition numbers 6 through 12 in the Resolution to address security and alarm requirements. The Police Department will monitor the subject property relative to safety items such as hours of operation and required certifications.

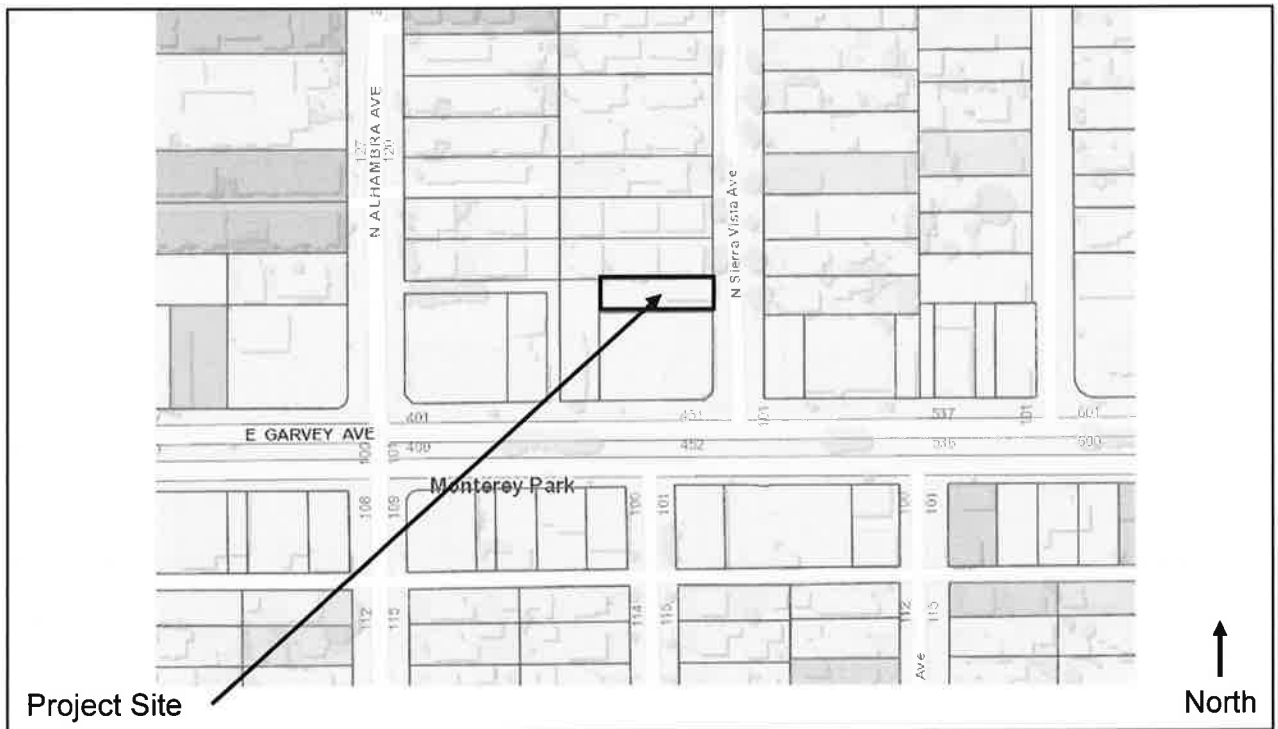
Legal Notification

The legal notice of this hearing was posted at City Hall, Monterey Park Bruggemeyer Library, and Langley Center on **February 26, 2018**, with affidavits of posting on file. The legal notice of this hearing was mailed to **49** property owners within a 300 feet radius and current tenants of the property concerned on **February 26, 2018**.

Vicinity Map



Street Map



Aerial Map




ALTERNATIVE COMMISSION CONSIDERATIONS:

None.

FISCAL IMPACT:

There may be an increase in sales tax revenue and business license tax revenue. Calculations of the exact amount would be speculative.

Respectfully submitted,



Michael A. Huntley
Community and Economic
Development Director

Prepared by:



Samantha Tewasart
Senior Planner

Reviewed by:



Karl H. Berger
Assistant City Attorney

Attachments:

Attachment 1: Draft Resolution

Attachment 2: Site and floor plans

ATTACHMENT 1

Draft Resolution

RESOLUTION NO.

A RESOLUTION APPROVING CONDITIONAL USE PERMIT (CUP-17-14) TO ALLOW A MASSAGE ESTABLISHMENT AT 109 NORTH SIERRA VISTA STREET

The Planning Commission of the City of Monterey Park does resolve as follows:

SECTION 1: The Planning Commission finds and declares that:

- A. On December 18, 2017, Ms. Ping Hua Wu, submitted an application, pursuant to Monterey Park Municipal Code ("MPMC") §§ 21.10.030, 21.10.040, and 21.32.020 and Chapter 5.28, requesting approval of Conditional Use Permit (CUP-17-14) to allow a massage establishment at 109 North Sierra Vista Street ("Project");
- B. The proposed Project was reviewed by the City of Monterey Park Community and Economic Development Department for, in part, consistency with the General Plan and conformity with the MPMC;
- C. In addition, the City reviewed the Project's environmental impacts under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, *et seq.*, the "CEQA Guidelines");
- D. The Community and Economic Development Department completed its review and scheduled a public hearing regarding the Project before the Planning Commission for March 13, 2018;
- E. On March 13, 2018, the Planning Commission held a public hearing to receive public testimony and other evidence regarding the proposed Project, including, without limitation, information provided to the Planning Commission by City staff and public testimony, and representatives of Ms. Ping Hua Wu; and
- F. This Resolution and its findings are made based upon the testimony and evidence presented to the Commission at its March 13, 2018 hearings including, without limitation, the staff report submitted by the Community and Economic Development Department.

SECTION 2: *Factual Findings and Conclusions.* The Planning Commission finds that the following facts exist and makes the following conclusions:

- A. The Applicant seeks to establish a massage business within an existing one-story commercial building;
- B. 109 North Sierra Vista Street is zoned C-S, P-D (Commercial Services, Planned Development) and designated Mixed-Use II (MU-II) in the General Plan;
- C. The subject property is located one lot north of the northwest corner of North Sierra Vista Street and East Garvey Avenue;
- D. The building was previously occupied by a Laundromat. Properties located to the north and west are zoned Mixed-Use II (MU-II);

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- E. The subject lot is 5,588 square feet (0.13 acres) in size and is currently developed with 1,534 square feet one-story commercial building situated at the front portion of the lot with parking located west, behind the building; and
- F. There are a total of 8 at-grade parking spaces. The property is accessible from North Sierra Vista Street and East Garvey Avenue.

SECTION 3: *Environmental Assessment*. Because of the facts identified in Section 2 of this Resolution, the Project is categorically exempt from additional environmental review pursuant to CEQA Guidelines § 15301 (Existing Facilities).

SECTION 4: *Conditional Use Permit Findings*. Pursuant to MPMC § 21.32.020 and Chapter 5.28, the Planning Commission finds as follows:

- A. The site is adequate in size, shape and topography for the proposed use including without limitation, any required yards, walls, fences, parking and loading facilities, landscaping, setbacks, and other development standards prescribed in the MPMC.

The site is adequate in size, shape and topography for the proposed use in that the proposed use is a massage business within an existing single tenant commercial building. No physical changes are proposed to the site.

- B. The site has sufficient access to streets and highways, adequate in width and pavement type to carry the quantity and quality of traffic generated by the proposed use.

The site has sufficient access to streets and highways, adequate in width and pavement type to carry the quantity and quality of traffic generated by the proposed use. The proposed use is a massage business within an existing single tenant commercial building and is not expected to significantly increase traffic.

- C. The proposed use is consistent with the General Plan and any applicable specific plan.

The proposed use is consistent with the General Plan and conforms to objectives of the General Plan and the Monterey Park Municipal Code zoning regulations. The subject property is designated Mixed-Use II (MU-II) in the General Plan. The East Garvey Mixed-Use II land use category is established to encourage neighborhood revitalization and integration of complementary commercial uses. Permitted commercial uses include retail, service, office, entertainment, and dining establishments. The proposed use is a massage establishment within an existing single-tenant commercial building. A massage establishment is allowed in the C-S (Commercial Services) Zone with Conditional Use Permit approval.

- D. The proposed use will not create unusual noise, traffic, or other conditions that may be objectionable, detrimental, or incompatible with surrounding properties or other permitted uses in the City.

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The proposed use, as conditioned, will not have an adverse effect on the use, enjoyment or valuation of property in the neighborhood as required security measures will minimize the potential for any negative impacts.

- E. The proposed use will not have an adverse effect on the public health, safety and general welfare.

The proposed use will not have an adverse effect on the public health, safety, and general welfare because security measures and the limited size of the use will limit any potential adverse effects to neighboring properties.

- F. The use applied for at the location set forth in the application is properly one authorized by conditional use permit pursuant to the MPMC.

The proposed massage establishment is a conditionally allowed use in the zone. The subject space is an existing 1,534 square feet commercial space and will generate minimal impacts to traffic and parking demands. Conditions have been included in the Resolution to address concerns relating to safety and security.

SECTION 5: Approval. Subject to the conditions listed on the attached Exhibit "A," which are incorporated into this Resolution by reference, the Planning Commission approves Conditional Use Permit (CUP-17-14).

SECTION 6: Reliance on Record. Each and every one of the findings and determinations in this Resolution are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the project. The findings and determinations constitute the independent findings and determinations of the Planning Commission in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 7: Limitations. The Planning Commission's analysis and evaluation of the project is based on the best information currently available. It is inevitable that in evaluating a project that absolute and perfect knowledge of all possible aspects of the project will not exist. One of the major limitations on analysis of the project is the Planning Commission's lack of knowledge of future events. In all instances, best efforts have been made to form accurate assumptions. Somewhat related to this are the limitations on the City's ability to solve what are in effect regional, state, and national problems and issues. The City must work within the political framework within which it exists and with the limitations inherent in that framework.

SECTION 8: Summaries of Information. All summaries of information in the findings, which precede this section, are based on the substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

**PLANNING COMMISSION
RESOLUTION NO.
PAGE 4 OF 4**

SECTION 9: This Resolution will remain effective until superseded by a subsequent resolution.

SECTION 10: A copy of this Resolution will be mailed to Ms. Ping Hua Wu and to any other person requesting a copy.

SECTION 11: This Resolution may be appealed within ten (10) calendar days after its adoption. All appeals must be in writing and filed with the City Clerk within this time period. Failure to file a timely written appeal will constitute a waiver of any right of appeal.

SECTION 12: Except as provided in Section 9, this Resolution is the Planning Commission's final decision and will become effective immediately upon adoption.

ADOPTED AND APPROVED this 13th day of March 2018.

Chairperson Larry Sullivan

I hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Monterey Park at the regular meeting held on the 13th day of March 2018, by the following vote of the Planning Commission:

AYES:
NOES:
ABSTAIN:
ABSENT:

Michael A. Huntley, Secretary

APPROVED AS TO FORM:
Mark D. Hensley, City Attorney

By:


Karl H. Berger,
Assistant City Attorney

PLANNING COMMISSION RESOLUTION NO.

Exhibit A

CONDITIONS OF APPROVAL

109 NORTH SIERRA VISTA STREET

In addition to all applicable provisions of the Monterey Park Municipal Code ("MPMC"), Ms. Ping Hua Wu, agrees to comply with the following conditions of approval for Conditional Use Permit (CUP-17-14) ("Project Conditions").

PLANNING:

1. Ms. Ping Hua Wu (the "Applicant") agrees to indemnify and hold the City harmless from and against any claim, action, damages, costs (including, without limitation, attorney's fees), injuries, or liability, arising from the City's approval of CUP-17-14 except for such loss or damage arising from the City's sole negligence or willful misconduct. Should the City be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out of the City approval of CUP-17-14, the Applicant agrees to defend the City (at the City's request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this section "the City" includes the City of Monterey Park's elected officials, appointed officials, officers, and employees.
2. The conditional use permit expires twelve months after its approval if the use has not commenced or if improvements are required, but construction has not commenced under a valid building permit. A total of a one year extension may be granted by the Planning Commission upon finding of good cause. An application requesting an extension must be filed with the Community and Economic Development Director, or designee.
3. The property owner is responsible for maintaining the area adjacent to the business location and the site in general, including any parkways and alleys.
4. The property must remain well maintained and free of graffiti. Failure of the applicant/property owner to remove graffiti within 24 hours written notice by the City will cause the City to abate the graffiti at the cost of the applicant/property owner.
5. A copy of the Conditions of Approval for Conditional Use Permit (CUP-17-14) must be kept on the premises of the establishment and presented to any authorized City official upon request.

POLICE:

6. The business must have security video cameras operating during all hours of business. All cameras must record onto a media device, such as a videotape,

**PLANNING COMMISSION
RESOLUTION NO.**

digital storage CPU, DVR or similar recording device. The recordings of the security video cameras must be maintained for a minimum period of 30 days, and the recordings must be made immediately available for any law enforcement officer who is making the request as a result of official law enforcement business. The video cameras must be located to cover the main areas that are accessible to the public, including the entrance/exits and all interiors of each room. If the Chief of Police determines that there is a necessity to have additional security cameras installed, the manager/owner of the business must comply with the request within seven days. The Chief of Police, or designee, can also require the position of the video cameras to be changed if it is determined that the position of the camera does not meet security needs. The manager/owner of the business must comply with the request within seven days. The picture quality of the video cameras and recording devices installed on the complex must meet the approval of the Chief of Police, or designee.

7. There cannot be any designated enclosed private booths/rooms for patrons.
8. No alcoholic beverages are allowed.
9. The business must be equipped with an alarm system that covers break-ins and robberies. The alarm must be monitored by an alarm monitoring company who will notify the Monterey Park Police of any break-ins or robberies. Employees must have access to a hidden button that will trigger a silent alarm, notifying the alarm monitoring company that a robbery is taking place. The manager/owner will obtain an alarm permit from the Monterey Park Police Department. The permit may be obtained by calling the Monterey Park Police Community Service Bureau.
10. The business should participate in the Monterey Park Police Department's Business Watch Program, a free service designed to educate business about minimizing criminal activity.
11. If three or more substantiated complaints within any one year period are received by the Monterey Park Police Department regarding disturbances caused by patrons of the business, whether inside or within close proximity, revocation proceedings will be initiated by the City.
12. The manager/owner must be responsible for maintaining the property free of litter and graffiti.

By signing this document, Ms. Ping Hua Wu, that she read, understood, and agrees to the Project Conditions listed in this document.

Ms. Ping Hua Wu, Applicant

ATTACHMENT 2

Site and floor plans